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COMMUNITY VOLUNTEER SERVICE ACT OF 1983

July 14 (legislative day, July 11), 1983.—Ordered to be printed

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Mr. Hatch, from the Committee on Labor and Human Resources, submitted the following

REPORT

[To accompany S. 1129]

The Committee on Labor and Human Resources to which was referred the bill (S. 1129) to authorize appropriations for programs under the Domestic Volunteer Service Act of 1973, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill (as amended) do pass.

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Brief Summary of the Bill

S. 1129, the Community Volunteer Service Act of 1983, as amended by the Committee, authorizes appropriations for programs under the Domestic Volunteer Service Act for three years. The bill maintains the National Volunteer Antipoverty Program authorized

S543-14

under Title I of the Act, and the National Older American Volunteer Programs, authorized under Title II of the Act.

Title I of this bill reauthorizes and amends Title I of the Act. Under Title I of the bill, ACTION will continue to conduct the type of projects currently being operated through the VISTA program. The bill expands the target populations to be served by these projects. It also establishes, as a purpose of these projects, the mobilization of private sector resources to support volunteer activities. The Director is required to assign volunteers to the community in which they were recruited. However, the bill continues to permit the use of nationally-recruited volunteers where their special skills cannot be obtained locally. Finally, the bill requires a VISTA project to produce evidence of local support, in addition to receiving the approval of the Governor.

The bill reauthorizes the part-time or short-term service-learning program under Part B of Title I of the Act. However, it does repeal the University Year for ACTION, which was not funded during the last fiscal year.

Under Part C of Title I of the Act, the Director retains the flexibility to develop and coorinate demonstration volunteer programs and programs of special emphasis designed to meet a broad range of human needs, particularly those related to poverty. These programs are to be awarded on the basis of merit and with equitable geographic distribution.

Title II of the bill reauthorizes the three Older American Volunteer Programs (OAVP)—Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), and the Senior Companion Program (SCP). A new section (224) which the Committee bill adds restricts the federal control over OAVP local contributions beyond the required federal match provided the expenditures are consistent with the intent of the Act.

An amendment was added to S. 1129 which allows the replacement of a foster grandparent volunteer if a FGP volunteer becomes unavailable to serve.

An additional $12,000,000 would be authorized by the bill to increase the number of Senior Companion programs and strengthen the training component by use of non-stipended volunteers from the community with special skills (i.e. doctors, nurses, home economists, social workers) and experienced Senior Companion volunteers who may serve as leaders to assist new SCP volunteers. An impact study would be conducted on a sample basis over the three year period of the SCP program.

In Title IV—Administration and Coordination, S. 1129 would change the number of Presidential appointees in the agency requiring Senate confirmation from six to three. The Committee bill also repeals the National Volunteer Service Advisory Council effective January 1, 1986.

Section 19 of the bill clarifies that volunteers' stipends in Title II programs are not wages for purposes of state workers' compensation insurance benefits.

The hardship waiver for regulations to take effect would be deleted by S. 1129 since it is unlikely such a hardship of significant magnitude would exist to set aside the time delay.

The Committee bill would authorize under Title I for Part A, VISTA programs $15,000,000 for fiscal year 1984, $17,000,000 for 1985, and $19,000,000 for 1986. Part B of Title I—Service-Learning programs would be authorized at a level of $1,800,000 for fiscal year 1984 and for each of the fiscal years 1985 and 1986. It would authorize for Part C—Special Volunteer programs $1,984,000 for fiscal year 1984 and for each of the fiscal years 1985 and 1986.

S. 1129 would authorize to be appropriated under Title II, the National Older Americans Volunteer Programs, for RSVP $27,445,000 for FGP $48,400,000, and for SCP $24,016,000 which includes the $12,000,000 to carry out Section 13 of the bill.

The level authorized in S. 1129 for Administration and Coordination for each of the three years would be $29,348,000.

HEARING HISTORY

On April 22, 1983, the Subcommittee on Family and Human Services held a hearing on the Reauthorization of the Community Volunteer Service Act, S. 1129, as part of a voluntarism initiative that provides a focal point for volunteer activity under the ACTION Agency. Witnesses included: Mr. Thomas Pauken, Director of the ACTION Agency; Mr. Joseph Trotta from the Connecticut Department of Corrections; Ms. Cecilia Jesilowski, a VISTA volunteer with the United Societies of Saint Stanislaus; Mr. Jim Rummel, President of the National Association of RSVP Program Directors; Mrs. Betty Miller, President of the National Association of Foster Grandparent Program Directors; and Mr. John Pribyl, President of the National Association of Senior Companion Project Directors. Witnesses discussed their involvement with ACTION's programs and gave their views on how the program may be improved.

The director of the ACTION Agency, Mr. Thomas Pauken, outlined the Administration's budget request for 1984, which included the phase-out of the VISTA program. The request for 1984 is $109 million.

Mr. Joseph Trotta and Ms. Cecilia Jesilowski discussed the VISTA program. Mr. Trotta, having had direct supervisory responsibility over VISTA volunteers, urged the continuation of this program. Ms. Jesilowski explained her activities as a VISTA volunteer in helping non-English speaking Eastern-European immigrants with daily survival skills.

Mr. Jim Rummel, Mrs. Betty Miller, and Mr. John Pribyl voiced support for S. 1129 and made recommendations including the placement of a cap on the local matching fund requirement, the establishment of challenge grants on a 50-50 local/federal match basis, and the exemption of non-federal dollars in excess of the local match requirement from federal control. Many of these recommendations were included as amendments to the bill during full Committee consideration of S. 1129.

BACKGROUND

The Domestic Volunteers Service Act of 1973, Public Law 93-113, provided legislative authority for the establishment of ACTION as the federal agency to administer domestic volunteer programs.

Title I of the Act, national volunteer anti-poverty programs, encompasses Volunteers in Service to America [VISTA], Service Learning Programs and Special Volunteer Programs. Authorized by Public Law 93-113 through fiscal year 1975, these programs were extended through fiscal year 1978 by the Domestic Volunteer Service Act Amendments of 1976, Public Law 94-293, and further extended by the Domestic Volunteer Service Act Amendments of 1979, Public Law 96-143, which expired on September 30, 1981. The domestic volunteer programs are currently authorized under the Omnibus Budget Reconciliation Act of 1981, which contains a two-year authorization expiring on September 30, 1983.

It should also be noted that the Peace Corps, which had been a part of the ACTION agency, was separated from it and established as an independent agency by Public Law 97-113, the International Security and Development Cooperation Act of 1981, approved on December 29, 1981.

The Foster Grandparent Program (FGP), was developed as a cooperative effort between the Office of Economic Opportunity (OEO) and the Department of Health, Education and Welfare (HEW), and was first authorized into law under the Older Americans Act Amendments of 1969 (Public Law 91-69, enacted September 17, 1969). The Retired Senior Volunteers Program (RSVP) was also authorized by the 1969 amendments to the Older Americans Act, which provided both programs with a three-year life, extending through fiscal year 1972. The Senior Companions Program (SCP) was first authorized in the Domestic Volunteer Service Act of 1973, Public Law 93-113.

In 1973, a government reorganization plan shifted administration of the volunteer programs from HEW's Administration on Aging to ACTION (Reorganization Plan No. 1, enacted March 24, 1973). Authorization of the older volunteer programs for fiscal year 1973 was provided by the Older American Comprehensive Services Amendments of 1973 (Public Law 93-29, enacted May 3, 1973).

The ACTION authorizing legislation (The Domestic Volunteer Service Act of 1973, Public Law 93-113, enacted October 1, 1973) authorized RSVP under Title II, Part A, and FGP and SCP under Title II, Part B, for a three-year period extending through fiscal year 1976. Sections of the legislation relating to local share proportions, were amended in 1974 under the Older Americans Act Amendments of 1974 (Public Law 93-351, enacted July 12, 1974).

The three senior volunteer programs were extended through fiscal year 1978 under the Older Americans Act Amendments of 1975 (Public Law 94-135, enacted November 28, 1975). Certain sections of the legislation relating to the children served by the FGP were amended by the Domestic Volunteer Service Act Amendments of 1974 (Public Law 94-293, enacted May 27, 1976). The programs received an extension through fiscal year 1981 under the Comprehensive Older Americans Act Amendments of 1978 (Public Law 95-478, enacted October 18, 1978).

In 1981, the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, enacted August 13, 1981) reauthorized the three Older American Volunteer Programs for two years, through fiscal year 1983. In addition, this Act provided for the first time a separate appropriations authorization for the Senior Companions Program, under Part C of Title II of the ACTION legislation.

NEED FOR THE LEGISLATION

The Domestic Volunteer Service Act is due for reauthorization in 1983. The need continues in many communities for volunteer efforts which address the problems of poverty and utilizes the skills of the increasing number of elderly citizens. As part of the reauthorization process, the Committee undertook a careful evaluation of the benefits of the programs administered by the ACTION agency and the role of the federal government in encouraging volunteer efforts. In particular, the Committee examined the need to stimulate utilization of additional private sector resources and community volunteers and possible alternatives to improve the administration and operation of the ACTION programs. S. 1029, as reported, reflects the Committee's conclusions that the ACTION agency's programs continue to be valuable but that some modifications are needed to improve them.

Committee Views

TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

It is the intent of the Committee that the three programs authorized under Title I, VISTA, Service-Learning, and Special Volunteer Programs, continue the type of efforts which are currently in operation. The overall emphasis continues to be to strengthen and supplement efforts to alleviate poverty and poverty-related human problems. The terms "social" and "environmental" have been deleted to clarify that the major focus of Part A is to alleviate poverty and poverty-related human problems.

PART A—VOLUNTEERS IN SERVICE TO AMERICA

In Section 2 of the bill which amends Section 101 of the Act, VISTA programs are encouraged to stimulate the use of additional resources from the private sector and utilize volunteers from the community.

Section 4 of the bill expands target populations to be served by VISTA programs as identified in Section 103 of the Act to include the homeless, jobless, the hungry, illiterate adults, and programs to address alcohol and drug abuse prevention. This is not an all-inclusive list but examples of the type of the potential recipients to be served.

The Committee is of the opinion that volunteers are most effective when recruited from the local communities. However, if a special skill is needed which cannot be recruited locally, such as fluency in language, health care specialists, community planners, architects or others with professional skills, the Director shall assign nationally recruited specialist volunteers. A new subsection, titled "recruitment", (Section 3) will allow a VISTA volunteer who is recruited locally and becomes unavailable for service. The Committee is concerned that local organizations approved for VISTA sponsorship have recruited applicants for VISTA service but have lost applicants due to delays in placements. In such cases the Committee believes that the approved sponsor should be afforded an opportunity to replace the VISTA applicants with other qualified applicants and to place them at the earliest possible date, subject to available funding. The Committee recognizes that ACTION/VISTA, not the sponsoring organization, is ultimately responsible for the approval of all VISTA volunteers, and it is not the Committee's intention to change this policy. The Committee merely intends to insure that if any applicant who has been recruited locally by an approved sponsor, and accepted for service by ACTION/VISTA, becomes unavailable for service prior to the commencement of his or her service, the sponsor will be able to replace the applicant with another qualified applicant approved by ACTION/VISTA. In a case where a volunteer cannot complete his or her year of service, and the loss of the volunteer will seriously impede the achievement of a project's approved goals and objectives, the Committee believes ACTION/VISTA should make every effort to replace the volunteer at the earliest opportunity, subject to the availability of resources.

The modifications in Section 103(b) will continue to allow the Director to provide an individual job advancement plan for VISTA volunteers as in the previous legislation but at the Director's discretion and in cooperation with the private industry council of the Job Training Partnership Act. Correlation of such efforts will provide better service for those needing assistance in locating and qualifying for jobs.

In addition to requiring the Governor's approval for VISTA projects and programs, Section 103(e) requires applications to include evidence of local support. The provision does not mandate that each VISTA project, in order to be approved, have evidence of support from each and every segment of the community. Examples of the type of evidence of support a current or prospective VISTA sponsor might submit would include letters from a local unit of government, from a Chamber of Commerce, from community-based organizations such as community action agencies or their boards, churches or civic groups.

PART B—SERVICE LEARNING PROGRAMS

The statement of purpose for Service-Learning clarifies that students should participate in activities as the means to supplement efforts to alleviate poverty and poverty-related human problems. The type of practical experience advocated will benefit both the volunteer and the recipient of the service. The educational experience should be designed to provide hands-on opportunities to work with low-income individuals and families.

PART C—SPECIAL VOLUNTEER PROGRAMS

It is the fundamental premise of Part C that demonstration volunteer programs allow the Director the flexibility to design and implement new progrms consistent with the intent of this Act. As stated in the Act, the Committee believes volunteers in Special Volunteer Programs should be serving in programs which strengthen and supplement efforts to meet a broad range of human needs, particularly those related to poverty.

Section 10 of the bill adds to Section 121 of the Act providing technical and financial assistance to encourage volunteerism at the federal, state and local level as a purpose. The cooperation of volunteer organizations and efforts in the community will provide more effective and efficient service.

In Section 122(a), the Committee requires grants and contracts be awarded on the basis of merit and of an equitable geographic distribution of programs. It is not the objective of the Committee to establish a cumbersome grant process which would hurt the worthwhile but inexperienced applicant. Establishment of a merit evaluation process before reviewing the proposals should provide a fair and objective system for awarding the grants and contracts. The Committee wishes to avoid the awarding of the majority of the grants and contracts in one geographic area; therefore, the requirement for a generally equitable geographic distribution across the United States has been included.

TITLE II—NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS

PART A—RETIRED SENIOR VOLUNTEER SERVICE PROJECTS

The Committee recognizes the cost-effective nature of the Retired Senior Volunteer Program (RSVP). Both the senior citizen volunteers and the recipients of the service receive the benefit of these programs. The variety of the projects designed to meet local needs is to continue. The Community Volunteer Service Act of 1983 (S. 1129) as amended by the Committee, reauthorizes the Retired Senior Volunteer Programs for three years at the 1983 funding level.

Section 201(b) of existing law permits a local share requirement for RSVP projects. This provision was added by Public Law 93-351 (July 12, 1974) to restrict the local share requirement to 10 percent in the first year of assistance, 20 percent in the second year, 30 percent in the third year, 40 percent in the fourth year, and 50 percent in the fifth and subsequent years, with the proviso that lesser local contributions should be permitted in situations of demonstrated need. The provision was added to protect RSVP projects from moves to phaseout all federal support after the fifth year of operation.

Since 1976, however, ACTION has not required more than a 30 percent local contribution, since realities proved this to be the most feasible level. However, it should be noted that many projects, particularly those in larger urban areas, continue to be successful in raising higher amounts. The Committee is pleased by this and hopes to see this practice continue. The Committee is concerned, however, that some areas, particularly rural and economically depressed urban areas, simply do not have the resources to provide significantly higher contributions to their local RSVP projects.

RSVP project directors are concerned that ACTION is moving to change the 1976 cost sharing policy to require local share contributions above the 30 percent level. Proposed revised regulations issued in November of 1982 and statements made by ACTION officials at congressional hearings suggest that ACTION is projecting increases in the number of RSVP volunteers, to be supported by heightened local share contributions.

The Committee heard testimony asking it to place a legislative cap on the RSVP local share contribution at 30 percent. However, since ACTION indicates it does not intend to alter the 1976 policy, the Committee requested a letter from the Agency to this effect, which appears below as part of the Committee report. Furthermore, the Committee expects that if in the future, ACTION wishes to alter the 30 percent cap policy, that the Agency will first seek congressional approval.

ACTION,
Washington, D.C., June 21, 1983.

Hon. Orrin G. Hatch,
Chairman, Committee on Labor and Human Resources,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Please be advised that ACTION has no plans or intention to require more than 30 percent local support. There has been and is now a procedure for exceptions when established projects have difficulty obtaining local contributions to meet budget requirements.

Due to the essentially local character of the Retired Senior Volunteer Program (RSVP), the RSVP sponsor is responsible for generating needed finanical support for the RSVP project from all sources, federal and non-federal, to meet budgeted costs. The sponsor is encouraged and aided by ACTION to increase local support beyond 30 percent of the budget, largely because the project, senior volunteers and the community all gain from increased support.

The level of local support may be higher or lower than these percentages as mutually agreed to by ACTION and the RSVP sponsor, and as justified by local conditions. ACTION is particularly aware of the special needs of those projects located in hard-pressed rural areas and will continue to try to accomodate them.

At the present time, local support accounts for an average of 43 percent of the total RSVP project budgets. The percentage of RSVP projects and their non-federal share of the budget are as follows (based on sample equivalent of 37 percent of total Projects):

[In percent]

Non-Federal share of RSVP budget:	*Percentage of total*
20 to 29	3
30 to 39	48
40 to 49	32
50 to 59	13
60 to 69	4

ACTION believes that local RSVP projects are well aware of the local needs that can be met by volunteers. Projects need to be encouraged to work with local sources for match funds for the purpose of project expansion.

ACTION has no intention of requiring more support from a project than its potential. Even the expected local match of ten percent for the first year, twenty percent for the second year and thirty percent for the third year has been waived in the past, and if justified, will be waived for a project in the future when it cannot meet its expected match.

Sincerely,

THOMAS W. PAUKEN,
Director.

PART B—FOSTER GRANDPARENT PROGRAM

The Committee continues to support the concept of providing a stipend for low-income individuals 60-years or older to help children with physical, mental, emotional or social disabilities. Consideration was given to an increase in the stipend level; however, due to concern for the total budget and in order to provide service opportunities for as many people as possible, the provision was not included in S. 1129 as amended by the Committee.

Current law allows Foster Grandparents to continue to serve a mentally handicapped "child" after he or she reaches the age of 21, if it is determined to be in the best interest of the child and in the best interest of the Foster Grandparent.

The amendment provides that a replacement Foster Grandparent will be subject to the same determination that is contained in present law for post-21 placements. It must be determined that the best interest of the new Foster Grandparent and the best interest of the handicapped person will be served by the replacement.

PART C—SENIOR COMPANION PROGRAM

The Committee bill provides for an expansion of the Senior Companion Program (SCP) both in the number of projects and strengthening of the training component. The majority of states currently have only one Senior Companion Program. Section 213 as amended by the Committee bill would allow an additional program to be placed in many of these states. The Committee recommends the primary focus for the authorized increase of $12,000,000 should be to add to the number of Senior Companion Programs which will assist homebound elderly to remain in their own homes and to enable institutionalized elderly to return to home-care settings. Should actual appropriation for SCP be less than the authorization, the Committee intends that current project activity levels under Section 213 (a) and (b) should be maintained, with additional funds available for new activities as authorized under Section 213(c). In order to improve the effectiveness of the services provided, the Committee has included a provision which encourages the use of trained personnel who may serve as volunteer trainers (non-stipended). Where appropriate, SCP volunteers could be prepared to assist in providing initial and continuing needs assessments in cooperation with the health care system which currently exists in a community. The in-home services provided by the SCP volunteer shall be appropriate for the recipients' needs and the abilities and capabilities of the senior citizen volunteer. Through the one-to-one relationship with persons served, Senior Companions will provide assistance in activities of daily living and alert supervisory personnel of the changing needs of clients. It is not the desire of the Committee to duplicate existing services or replace professionally filled jobs with volunteers; therefore, a cooperative effort is mandated.

The Committee stresses the importance of a mutual coordination with existing community-based home health and long-term care systems including the Older Americans Act Network on Aging (State Units and Area Agencies on Aging).

An efficient use of human resources and experience is necessary to maintain a cost-effective program. Section 12 of the Committee bill also makes it permissable to use experienced SCP volunteers with special skills and leadershp ability to assist new volunteers in their assignments and in coordinating activities of such volunteers. The time spent in the program by the volunteer leaders in addition to their regular assignment is intended to add to the effectiveness of the programs.

The impact study outlined in the Committee bill should proceed in a cost-effective manner and in correlation with the study currently being compiled by the ACTION agency on Senior Companion Programs.

USE OF NON-FEDERAL CONTRIBUTIONS TO OLDER AMERICAN VOLUNTEER PROGRAMS

The Committee bill adds a new Section 224 to the Act restricting federal control over local contributions to RSVP, Foster Grandparents, and Senior Companion projects when those contributions are in excess of the required local share permitted in the Act, provided the expenditure of such contributions is not inconsistent with the purposes of the Act. Currently the local share requirement for RSVP is never greater than 30 percent of the total cost of the project, while the local share requirement for Foster Grandparents and Senior Companion projects is 10 percent.

The intent of the new section is to change current ACTION policy of controlling the detail of all project expenditures even those financed by non-federal contributions over and above the required match. The Committee agrees that greater local determination must be provided. Decisions as to whether vans should be purchased, staff training be conducted, client related transportation be provided and the like, can appropriately be made by project directors closest to the day-to-day project operation. In addition, the Committee notes examples of where ACTION policy of controlling non-federal funds has conflicted with policies of the local entities making contributions to OAVP projects—state civil service salary scales for project directors have been higher than those allowed by ACTION; state requirements for transportation and meal reimbursement have been denied by ACTION. The Committee agrees that organizations contributing non-federal dollars to the OAVP should be able to participate in directing the expenditures of their contributions, as long as they comply with the intent of the Domestic Volunteer Service Act.

The Committee expects that expenditure of locally contributed funds will be used to enhance the effective operation of individual projects, and will not be used for purposes that would be contrary to the intent of the Domestic Volunteer Service Act. The Committee recognizes the need for flexibility in the expenditure of locally raised support—some non-federal funding sources may wish to contribute funds for specific purposes; in addition, individual projects must respond to local needs, requirements, circumstances, and policies. The Committee believes its amendment will provide for an effective balance between the federal responsibility for the expenditure of federal dollars and local sponsors' responsibility to manage projects in keeping with local policies, needs, and funding opportunities.

The Committee is concerned about accountability in the overall management of any federally sponsored program. The ACTION agency is responsible for oversight of the Older American Volunteer Programs. It expects that project budgets will reflect true costs of the program. Accurate records of proposed and actual expenditures of the locally controlled non-federal dollars in excess of the required match still must be reflected in project budgets to insure they are spent within the intent of the statute or published regulations.

The Committee is concerned by testimony it received which suggests that ACTION's current practice of restricting the expenditure of all local share contributions encourages double budgeting—one budget for ACTION allowable items and another budget for items ACTION will not allow but which local sponsors deem to be necessary. The Committee agrees that such practices are questionable as well as inefficient. The new Section 224 in the Committee bill should resolve this situation by providing greater flexibility in the expenditure of local dollars. It further recognizes the legitimate role of local funders to participate in decisions regarding the expenditure of their share of the resources that support the Older American Volunteer Programs. This concept is consistent with the philosophy included in S. 1129 of encouraging additional private resources and community volunteers.

TITLE IV—ADMINISTRATION AND COORDINATION

It is a basic assumption of the bill that the current field strength of the regional and state offices be maintained. The funding level authorized by S. 1129 will allow the continuation of the regional and state structure. The Committee does recognize the need to evaluate and be cognizant of duplication of efforts and a justifiable work load for state and regional staff. The ACTION agency should maintain the current regional and state structure where feasible but have flexibility if changes are warranted after careful evaluation and consultation. The experience of the regional staff is valuable, as well as the knowledge of needs and resources of the state staff.

The number of Presidential appointments has been reduced in Section 401 of the Act. The positions of Director, Deputy Director and Associate Director for Domestic and Anti-poverty Operations would remain Presidential appointments, requiring Senate confirmation. The bill would upgrade the two current Deputy Associate Director positions to Assistant Directors. One Assistant Director would be primarily responsible for VISTA and other anti-poverty programs under Title I, and the other Assistant Director would be responsible for the Older American Volunteer programs under Title II. A third Assistant Director would be primarily responsible for liaison with private voluntary organizations. The changes in

Section 401 also specify the line authority in the event of a vacancy of the Director, or in the absence or inability of the Director to act. The Committee believes that the changes made in this section will result in improved management and administration of ACTION agency programs. It is the Committee's intent that no individual currently holding a Presidential appointment at the ACTION agency would be affected by this change. The basic purposes of the ACTION agency volunteer programs do provide a useful service to communities and should be able to continue that service without the polarization of a constantly changing political scene.

POLITICAL ACTIVITIES

Section 403 of the Committee bill maintains the restrictions of the use of the funds or volunteers for any political activity. The restrictions include financing, directly or indirectly, any activity designed to influence the outcome of any election; any voter registration activity or transportation to polls; and any partisan or nonpartisan political activity. The Committee intends that the ACTION programs should be allowed to operate efficiently because of their worthwhile nature without extreme political alignment with each changing administration.

NATIONAL VOLUNTARY SERVICE ADVISORY COUNCIL

S. 1129 repeals the National Voluntary Service Advisory Council as of January 1, 1986. It is the Committee's view that mandates of the Council could be achieved through other methods. Due to recent appointments to the Council and the need to establish a structure to select the President's Volunteer Service Awards the delayed date was selected.

Section 412 deals with procedures for suspension and termination of financial assistance. The Committee is of the opinion that when a project is terminated early due to noncompliance with the law and regulations an impartial hearing should be conducted by an individual other than the terminating official. The hearing, however, should not result in unnecessary travel expenses for the project director if possible.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 26, 1983.

Hon. ORRIN G. HATCH,
Chairman, Committee on Labor and Human Resources,
U.S. Senator, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 1129, the Community Volunteer Service Act of 1983, as ordered reported by the Senate Committee on Labor and Human Resources on May 25, 1983.

Should the Committee so desire, we would be pleased to provide further details of this estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

Congressional Budget Office Cost Estimate

1. Bill number: S. 1129.
2. Bill title: Community Volunteer Service Act of 1983.
3. Bill status: As ordered reported by the Senate Committee on Labor and Human Resources on May 25, 1983.
4. Bill purpose: The purpose of this bill is to extend authorizations for Domestic Volunteer Service Act of 1973 in fiscal years 1984 through 1986. This bill is subject to subsequent appropriations action.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1984	1985	1986	1987	1988
Authorization levels:					
Title I: National Volunteer Antipoverty Programs	18.784	20.784	22.784		
Title II A: Retired Senior Volunteer Program	27.445	27.445	27.445		
Title II B: Foster Grandparent Program	48.400	48.400	48.400		
Title II C: Senior Companion Program	24.016	24.016	24.016		
Administration	29.348	29.348	29.348		
Total authorization levels	147.993	149.993	151.993		
Estimated outlays	100.000	149.000	151.000	49.979	

Note.—The costs of this bill fall within budget subfuction 506.

Basis of estimate: The authorization levels for all years are stated in this bill. Full appropriation of the authorization levels is assumed in this estimate. Outlays are based on historical spendout rates for programs funded under Action.

6. Estimated cost to State and local governments: Since almost all of the project grants funded under Action are received by private agencies and organizations, this bill would have virtually no effect on the budgets of state and local governments.
7. Estimate comparison: CBO prepared a cost estimate for H.R. 2655, the Domestic Volunteer Service Act Amendments of 1983 on May 10, 1983. The House bill authorizes such sums for administrative costs and for Title I, with an appropriation floor for Title I (Part A). The Senate bill authorizes specific amounts in all years for administrative costs and Title I. Both House and Senate bills authorize specific amounts for Title II in all years. The House bill also authorizes a new section, Title (Part D), for activities previously funded under Part C of Title I.
8. Previous CBO estimate: None.
9. Estimate prepared by: Stacey Sheffrin.
10. Estimate approved by: C. G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

Votes in Committee

Pursuant to Section 133(b) of the Legislative Reorganization Act of 1946, the following is a tabulation of votes cast in Committee on S. 1129.

S. 1129, "The Community Volunteer Service Act of 1983", was considered in open session of the full Labor and Human Resources Committee on May 25, 1983.

Senator Hatch offered a set of Committee amendments which was accepted by a voice vote.

Seantor Denton presented an amendment to raise the funding for VISTA from the $7 million in S. 1129 to $11.8 million. The motion was defeated by a vote of eight to ten as follows:

Yeas	Nays
Senator Hatch	Senator Stafford
Senator Quayle	Senator Kennedy
Senator Nicles (proxy)	Senator Randolph (proxy)
Senator Humphrey	Senator Pell
Senator Denton	Senator Eagleton
Senator Grassley	Senator Riegle
Senator East (proxy)	Senator Metzenbaum
Senator Hawkins	Senator Matsunaga
	Senator Dodd (proxy)
	Senator Weicker

Senator Kennedy proposed an amendment to increase the VISTA funding to $25 million for 1984, $28 million for 1985, and $30 million for 1986. The amendment was defeated eight to 10 as follows:

Yeas	Nays
Senator Kennedy	Senator Hatch
Senator Randolph (proxy)	Senator Stafford
Senator Pell	Senator Quayle
Senator Eagleton	Senator Nickles (proxy)
Senator Riegle	Senator Humphrey
Senator Metzenbaum	Senator Denton
Senator Matsunaga	Senator Weicker
Senator Dodd (proxy)	Senator Grassley
	Senator East (proxy)
	Senator Hawkins

Senator Hatch presented a compromise amendment with the VISTA figures $15 million for 1984, $17 million for 1985, and $19 million for 1986. The amendment passed by a vote of 16 to 2 as follows:

YEAS	NAYS
Senator Hatch	Senator Humphrey
Senator Stafford	Senator Grassley
Senator Quayle	
Senator Nickles (proxy)	
Senator Denton	
Senator Weicker	
Senator East (proxy)	
Senator Hawkins	
Senator Kennedy	
Senator Randolph	
Senator Pell	
Senator Eagleton	
Senator Riegle	
Senator Metzenbaum	
Senator Matsunaga	
Senator Dodd (proxy)	

Senator Kennedy moved the bill to be reported out of Committee. Senator Stafford seconded the motion. The vote was in the affirmative of 16 to 2 follows:

YEAS	NAYS
Senator Hatch	Senator Nickles (proxy)
Senator Stafford	Senator Humphrey
Senator Quayle	
Senator Denton	
Senator Weicker	
Senator Grassley	
Senator East (proxy)	
Senator Hawkins	
Senator Kennedy	
Senator Randolph (proxy)	
Senator Pell	
Senator Eagleton	
Senator Riegle	
Senator Metzenbaum	
Senator Matsunaga	
Senator Dodd (proxy)	

Senator Hatch asked unanimous consent for a resolution to request a budget waiver for S. 1129. Senator Humphrey objected; therefore, there was a role call vote as follows:

YEAS	NAYS
Senator Hatch	Senator Humphrey
Senator Stafford	Senator Nickles (proxy)
Senator Quayle	Senator Grassley
Senator Denton	
Senator Weicker	
Senator East (proxy)	
Senator Hawkins	
Senator Kennedy	
Senator Randolph (proxy)	
Senator Pell (proxy)	
Senator Eagleton	
Senator Riegle	
Senator Metzenbaum	
Senator Matsunaga	
Senator Dodd (proxy)	

REGULATORY IMPACT STATEMENT

In accordance with Rule 26 of the Standing Rules of the Senate, the Committee finds that no increased regulatory burden will result from the passage of this bill except for Sections 13 and 14 which will require increased reporting requirements on the part of ACTION grant recipients.

Section 13, which expands the present Senior Companion Program to include projects to assist home bound elderly, directs that the Agency conduct a comprehensive evaluation of the effectiveness of such projects for submission to Congress. The local Senior Companion Sponsors, grant recipients, will be required to gather specified new information and submit records to the Agency for the purposes of such evaluation.

Section 14, which clarifies the control over the use of non-federal funds, will require additional record keeping and reporting procedures by grant recipients to ensure that expenditures of such funds are within the intent of the law.

SECTION-BY-SECTION ANALYSIS OF S. 1129 AS REPORTED MAY 25, 1983

TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

SHORT TITLE

The first sentence of the bill provides that this act may be cited as the "Community Volunteer Service Act of 1983."

PART A—VOLUNTEERS IN SERVICE TO AMERICA

STATEMENT OF PURPOSE

Section 2 amends section 101 of the Domestic Volunteer Service Act of 1973 (hereafter referred to as the "act") to clarify that one purpose of VISTA is to alleviate not eliminate poverty. It also amends the section by eliminating as a purpose, "social" and "environmental" from the list of needs, to which volunteers under the VISTA program are committed. It also encourages the use of low-income individuals as volunteers. The section also requires VISTA programs to encourage the commitment of private sector resources and additional volunteer service at the local level.

RECRUITMENT

Section 3 amends section 102 of the act to authorize grant and contract recipients to replace volunteers who become unavailable for service and who were recruited locally.

ASSIGNMENT OF VOLUNTEERS

Section 4 amends section 103 of the act to expand the listed assignment areas to include volunteer activities which address problems of the homeless, the jobless, the hungry, illiterate adults, and low-income youth; and special needs connected to alcohol and drug abuse, education and related activities. It further amends section 103 of the act by stating that volunteers cannot work in a program or project unless the grant application specifies evidence of local support. It also specifies that the Director of Action shall assign low-income volunteers in their home or nearby communities, and when necessary assign nationally recruited specialist volunteers wherever such volunteers are needed.

In addition, the bill allows, instead of requires, the Director to furnish and update individual volunteer plans for job advancement or transition to gainful employment. Whenever feasible, such plans are to be coordinated with a private industry council established under the Job Training Partnership Act.

Section 5 amends section 104 of the act by eliminating "social" and "environmental" problems from the list of needs to which

VISTA's are committed; by specifying that those volunteers shall be committed to combating poverty and poverty-related human problems.

REPEAL OF LIMITATIONS

Section 6 amends section 108 of the act to repeal limitations that are out of date. It further amends the section by eliminating "social" and "environmental" from the list of needs to which grantees commit VISTA volunteers.

Part B—Service Learning Programs

STATEMENT OF PURPOSE

Section 7 amends section 111 of the act to state that the new purpose of the service learning programs is to provide a program of part-time or short-term service-learning by secondary and postsecondary school students in activities that assist in alleviating poverty and poverty-related problems.

REPEAL OF UNIVERSITY YEAR FOR ACTION PROGRAM AND SPECIAL CONDITIONS

Section 8 repeals sections 112 and 113 of the act which have authorized the University Year for Action program.

SPECIAL SERVICE LEARNING PROGRAMS

Section 9 redesignates section 114 of the act as section 112; and specifies that projects are to be of the type described in the purpose to this part rather than the types set forth for the VISTA program.

Part C—Special Volunteer Programs

STATEMENT OF PURPOSE

Section 10 amends section 121 of the act by eliminating as a purpose, social and environmental from the list of needs, which is the target of Special Volunteer Programs. It also adds as a purpose, providing technical and financial assistance to encourage voluntary organizations and volunteer efforts at the Federal, State and local level.

REQUIREMENT OF EQUITABLE DISTRIBUTION OF ACTIVITIES

Section 11 amends section 122 of the act by adding that the Director shall establish criteria for awarding grants and contracts on the basis of merit and equitable geographic distribution of programs.

TITLE II—NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS

Part B—Foster Grandparent Program

Section 12 amends section 211 of the act to provide that a mentally retarded person over the age of 21 may continue to receive services under the foster grandparent program even though the foster grandparent providing services before the child became 21 is unavailable to serve as a volunteer. In such cases the agency or organization operating the program may select another foster grandparent to continue providing services to the child.

PART C—SENIOR COMPANION PROGRAM

SENIOR COMPANION PROJECTS TO ASSIST HOMEBOUND ELDERLY

Section 13 amends section 213 of the act by adding a new subsection authorizing the Director to make grants or contracts for Senior Companion projects to assist homebound elderly to remain in their own homes and to enable institutionalized elderly to return to home care settings. Under this subsection the Director is encouraged to recruit unpaid Senior Companion volunteers (such as doctors, nurses, home economists, social workers) who will train volunteers to provide initial and continuing needs assessments and appropriate in-home services to Senior Companion volunteer recipients. The subsection specifies that the needs assessments and in-home services must be coordinated with and supplement existing community-based home health and long term care systems. The subsection also permits the Director to use Senior Companion volunteer leaders who, on the basis of experience as volunteers, special skills, and demonstrated leadership abilities, may assist newer Senior Companion volunteers in performing their assignments and in coordinating activities of such volunteers.

The subsection requires the Director to conduct an evaluation of the impact of the projects assisted under the new subsection based on a sample survey of these projects. The Director is required to submit an evaluation report to Congress during the third year of study. The evaluation must include:

> the extent to which costs of providing long term care are reduced by using volunteers who receive stipends in the provision of long term care services;
>
> the effectiveness of the provision of long term care with the use of volunteers;
>
> the extent to which health related costs of the Senior Companion volunteers themselves are reduced because of their involvement in the project;
>
> the extent of coordination with other Federal and State efforts aimed at enabling older individuals to receive care in their own homes; and
>
> the effectiveness of using Senior Companion volunteer leaders and of involving Senior Companion volunteers based on the training of the volunteer leaders and volunteers.

OLDER AMERICAN VOLUNTEER PROGRAMS; NON/FEDERAL CONTRIBUTIONS USE OF NON-FEDERAL CONTRIBUTIONS IN OLDER AMERICAN VOLUNTEER PROGRAMS

Section 14 amends Part C of title II of the act by adding a new Section 224. This Section provides that whenever non-Federal contributions made to volunteer programs for older Americans is in excess of the amount required by the Director, the Director may not restrict the manner in which such contributions are expended if expenditures from non-Federal contributions are consistent with the provisions of the Act.

TITLE IV—ADMINISTRATION AND COORDINATION

Establishment of Agency

Section 15 amends section 401 of the act by specifying that ACTION's purpose is to provide a focal point for volunteerism at the Federal, State, and local level. It further amends the act to provide for 3 Assistant Directors, appointed by the Director. One Assistant Director shall be primarily responsible for VISTA and other antipoverty programs under title I of the act; one Assistant Director shall be primarily responsible for liaison with private voluntary organizations under title I, part C of the act, and one Assistant Director shall be primarily responsible for Older American Volunteer programs under title II of the act. If the Director becomes unable to act, the order of officials who shall act as Director of ACTION shall be, the Deputy Director, Associate Director of Domestic and Anti-Poverty Operations, the Assistant Director responsible for title II Older American Volunteer Programs the Assistant Director responsible for VISTA and other antipoverty programs under Title I of the act, and the Assistant Director responsible for liaison with private voluntary organizations under title I–C of the act. (Only 2 Assistant Directors were previously authorized). The Associate Director responsible for the peace corps (which was taken out of Action in 1982) is eliminated.

SPECIAL LIMITATIONS

Section 16 amends section 404 of the act regarding the director's authority to delegate responsibility for programs under the act, by deleting reference to the Peace Corps, which is no longer part of ACTION.

REPEAL OF THE NATIONAL VOLUNTEER SERVICE ADVISORY COUNCIL

Section 17 repeals section 405 of the act which authorizes the National Volunteer Service Advisory Council, effective January 1, 1986.

TECHNICAL AMENDMENT

Section 18 amends section 417 of the act which relates to nondiscrimination by striking out reference to the Peace Corps.

ELIGIBILITY FOR OTHER PROJECTS

Section 19 amends section 418 of the act to specifiy that volunteer stipends under title II Older American Volunteer Programs may not be treated as wages or compensation for purposes of workers' compensation.

REGULATORY REQUIREMENT

Section 20 amends section 420 of the act by eliminating the Director's ability to waive the requirement for 30 days public notice in the Federal Register of all regulations, and the Director's ability to waive the requirement for 45 days notice to Congress before implementation of any final regulations.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

NATIONAL VOLUNTEER ANTIPOVERTY PROGRAM AUTHORIZATION

Section 21 amends section 501 of the act to authorize appropriations for the title I-A VISTA program of: $15,000,000 for fiscal year 1984; $17,000,000 for fiscal year 1985; and $19,000,000 for fiscal year 1986. It further authorizes appropriations for title I-B Service Learning Programs of: $1,800,000 for each of the fiscal years 1984, 1985, and 1986; and for title I-C Special Volunteer Programs of $1,984,000 for each of the fiscal years 1984, 1985, and 1986.

NATIONAL OLDER AMERICAN VOLUNTEER PROGRAM AUTHORIZATION

Section 22 amends section 502 of the act to authorize appropriations for the title II-A Retired Senior Volunteer Program of: $27,445,000 for each of the fiscal years 1984, 1985, and 1986; the title II-B Foster Grandparent Program of: $48,400,000 for each of the fiscal years 1984, 1985, and 1986; and for the title II-C Senior Companion Program of $24,106,000 for each of the fiscal years 1984, 1985, and 1986. Of the amount appropriated each fiscal year under title II-C, $12,000,000 shall be available to carry out Senior Companion projects to assist homebound elderly as authorized under section 13 of this bill.

Section 23 amends section 504 of the act to authorize an apporpriation for administration and coordination of $29,348,000 for each of the fiscal years 1984, 1985, and 1986.

X. CHANGES IN EXISTING LAW

In compliance with rule XXVI, paragraph 12 of the Standard Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

DOMESTIC VOLUNTEER SERVICE ACT OF 1973, AS AMENDED

Public Law 93-113

AN ACT To provide for the operation of programs by the ACTION Agency, to establish certain new such programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the [“Domestic Volunteer Service Act of 1973”:] *Community Volunteer Service Act of 1983:*

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[Sec. 114. Special service-learning programs.]
Sec. 112. Special conditions.

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TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

PART A—VOLUNTEERS IN SERVICE TO AMERICA

STATEMENT OF PURPOSE

SEC. 101. This part provides for the Volunteers in Service to America (VISTA) program of full-time volunteer service, together with appropriate powers and responsibilities designed to assist in the development and coordination of such program. The purpose of this part is to strengthen and supplement efforts to [eliminate] *alleviate* poverty and poverty-related human, [social, and environmental] problems in the United States by encouraging and enabling persons from all walks of life and all age groups, including *low-income individuals,* elderly and retired Americans, to perform meaningful and constructive volunteer service in agencies, institutions, and situations where the application of human talent and dedication may assist in the solution of poverty and poverty-related problems and secure and exploit opportunities for self-advancement by persons afflicted with such problems. *It is the further purpose of this part to encourage the commitment of the resources of the private sector and to encourage volunteer service at the local level to carry out the purposes set forth in this section.*

AUTHORITY TO OPERATE VISTA PROGRAM

SEC. 102. *(a)* The Director may recruit, select, and train persons to serve in full-time volunteer programs consistent with the provisions and to carry out the purpose of this part.

(b) If any VISTA volunteer who is recruited locally becomes unavailable for service, the recipient of the project grant or contract has the right to replace the volunteer.

ASSIGNMENT OF *AND PART-TIME* VOLUNTEERS

SEC. 103. (a) The Director, upon request of Federal, State, or local agencies, or private nonprofit organizations, may assign such volunteers to work in the several States *in the local communities in* *which the volunteers were recruited* in appropriate projects and programs—

(1) in meeting the health, education, welfare, or related needs of Indians living on reservations or Federal trust lands, of migratory and seasonal farmworkers and their families, and of residents of the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, or the Virgin Islands;

(2) in the care and rehabilitation of mentally ill, developmentally disabled, and other handicapped individuals, especially those with severe handicaps, under the supervision of nonprofit institutions or facilities; [and]

(3) in addressing the problems of the homeless, the jobless, the hungry, illiterate adults, and low-income youths; and

[(3)] *(4) in addressing the special needs connected with alcohol and drug abuse prevention, education, and related activities, consistent with the purpose of this part; and (5)* in connection with programs or activities authorized, supported, or of a character eligible for assistance under this Act or [the Economic Opportunity Act of 1964, as amended (42 U.S.C. chapter 34)] *the Community Service Block Grant Act, the Headstart Act, or the Community Economic Development Act of 1981* in furtherance of the purpose of this title.

(b) The Director, [whenever feasible and appropriate,] shall assign low-income community volunteers [to serve] in their home communities [in teams with nationally recruited specialist volunteers] *or in nearby communities and when necessary shall assign nationally rcruited specialist volunteers wherever such volunteers are needed.* Not later than 30 days after the assignment of any such community volunteer, the Director [shall insure that each such volunteer is provided] may provide that each such volunteer is furnished an individual plan designed to provide an opportunity for job advancement or for transition to a situation leading to gainful employment. One hundred and twenty days prior to the completion of such community volunteer's term of service, the Director [shall insure] may provide that such plan is updated and reviewed with the volunteer. The Director [shall] may offer to provide each volunteer enrolled for a period of full-time service of not less than one year under this title, and, upon the request of such volunteer, provide such volunteer with an individual and updated plan as described in the preceding two sentences.

(c) Whenever feasible, the Director, in providing for an individual plan for job advancement or for transition to a situation leading to gainful emloyment under subsection (b), shall coordinate the activities connected with such plan with an appropriate private industry council established under the Job Training Partnership Act.

[(c)] *(d)* Except as provided in subsection (d), the assignment of volunteers under this section shall be on such terms and conditions (including restrictions on political activities that appropriately recognize the special status of volunteers living among the persons or groups served by programs to which they have been assigned) as the Director may determine, including work assignments in their own or nearby communities.

[(d)] *(e)* Volunteers under this part shall not be assigned to [duties or work in a program or project in any State unless such program or project] *work in a program or project in any community unless the application for such program or project contain evidence of local support and* has been submitted to the Governor or other chief executive office, of the State concerned, and such Governor or other chief executive officer has not, within 45 days of the date of such submission, notified the Director in writing, supported by a statement of reasons, that such Governor or other chief executive officer disapproves such program or project. In the event of a timely request in writing, supported by a statement of reasons, by the Governor or other chief executive officer of the State concerned, the Director shall terminate a program or project or the assignment of a volunteer to a program or project not later than 30 days after the date such request is received by the Director, or at such later date as is agreed upon by the Director and such Governor or other chief executive officer.

TERMS AND PERIODS OF SERVICE

SEC. 104. (a) Volunteers serving under this part shall be required to make a full-time or part-time personal commitment to combating poverty and poverty-related human, [social, and environmental] problems. To the maximum extent practicable, [this] the requirement for full-time commitment shall include a commitment to live among and at the economic level of the people served, and to remain available for service without regard to regular working hours, at all times during their periods of service, except for authorized periods of leave.

(b) Volunteers serving under this part may be enrolled for periods of service not exceeding two years, but for not less than one-year periods of service, except that volunteers serving under this part may be enrolled for periods of service of less than one year when the Director determines, on an individual basis, that a period of service of less than one year is necessary to meet a critical scarce-skill need. Volunteers serving under this part may be reenrolled for periods of service totaling not more than two years. No volunteers shall serve for more than a total of five years under this part.

(c) Volunteers under this part shall, upon enrollment, take the oath of office as prescribed in section 5(j) of the Peace Corps Act, as amended (22 U.S.C. 2504(j)), except that persons legally residing within a State but who are not citizens or nationals of the United States, may serve under this part without taking or subscribing to such oath, if the Director determines that the service of such persons will further the interests of the United States. Such persons shall take such alternative oath or affirmation as the Director shall deem appropriate.

(d) The Director shall establish a procedure, including notice and opportunity to be heard, for volunteers under this part to present and obtain resolution of grievances and to present their views in connection with the terms and conditions of their service. The Director shall promptly provide to each volunteer in service on the date of enactment of this Act, and to each such volunteer beginning service thereafter, information regarding such procedure and the terms and conditions of their service.

SUPPORT SERVICES

SEC. 105. (a)(1) The Director may provide a stipend to volunteers, while they are in training and during their assignments, enrolled for periods of service of not less than one year under this part, except that the Director may, on an individual basis, make an exception to provide a stipend to a volunteer enrolled under this part for an extended period of service not totaling one year. Such stipend shall not exceed $75 per month during the volunteer's service, except that the Director may provide a stipend not to exceed $75 per month in the case of persons who have served for at least one year and who, in accordance with standards established in regulations which the Director shall prescribe, have been designated volunteer leaders on the basis of experience and special skills and a demonstrated leadership among volunteers.

(2) Stipends shall be payable only upon completion of a period of service, except that under such circumstances as the Director shall determine, in accordance with regulations which the Director shall prescribe, the accrued stipend, or any part of the accrued stipend, may be paid to the volunteer, or, on behalf of the volunteer, to members of the volunteer's family or others during the period of the volunteer's serivce. In the event of the death of a volunteer during service, the amount of any unpaid stipend shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

(b) The Director shall also provide volunteers such living, travel (including travel to and from places of training), and leave allowances, and such housing, supplies, equipment, subsistence, clothing, health and dental care, transportation, supervision, technical assistance, and such other support as he deems necessary and appropriate to carry out the purpose and provisions of this part, and shall insure that each such volunteer has available such allowances and support as will enable the volunteer to carry out the purpose and provisions of this part and to effectively perform the work to which such volunteer is assigned.

PARTICIPATION OF BENEFICIARIES

SEC. 106. To the maximum extent practicable, the people of the communities to be served by volunteers under this title shall participate in planning, developing, and implementing programs thereunder, and the Director, after consultation with sponsoring agencies (including volunteers assigned to them) and the people served by such agencies, shall take all necessary steps to establish, in regulations he shall prescribe, a continuing mechanism for the meaningful participation of such program beneficiaries.

PARTICIPATION OF OLDER PERSONS

SEC. 107. In carrying out this part and part C of this title, the Director shall take necessary steps, including the development of special projects, where appropriate, to encourage the fullest participation of older persons and older persons membership groups as volunteers and participant agencies in the various programs and activities authorized under such parts and, because of the high proportion of older persons within the poverty group, shall encourage the development of a variety of volunteer services to older persons, including special projects, to assure that such persons are served in proportion to their need.

LIMITATIONS

SEC. 108. (a) Of funds appropriated for the purpose of this part under section 501, not more than 16 per centum for the fiscal year ending September 30, [1977], 1984 and for each fiscal year thereafter, may be obligated for the direct cost of supporting volunteers in programs or projects carried out pursuant to grants and contracts made under section 402(12). [During the fiscal year ending September 30, 1980—

[(1) in no event may in excess of $5,800,000 be used pursuant to grants and contracts under this part for the direct cost of supporting such volunteers; and

[(2) funds obligated pursuant to such grants and contracts for such cost may be used to support no greater number of years of volunteer service than the number of such years supported during the fiscal year ending September 30, 1979, pursuant to grants and contracts for such cost.]

[(b)] No funds shall be obligated under this part pursuant to grants or contracts made after the date of the enactment of the Domestic Volunteer Service Act Amendments of 1979 for new projects for the direct cost of supporting volunteers unless the recipient of each such grant or contract has been selected through a competitive process which includes—

(1) public announcements of the availability of funds for such grants or contracts, general criteria for the selection of new recipients, and a description of the application process and the application review process; and

(2) a requirement that each applicant for any such grant or contract identify, with sufficient particularity to assure that the assignments of volunteers under such grants and contracts will carry out the purpose of this part, the particular poverty or poverty-related human, [social, or environmental] problems on which the grant or contract will focus, and any such grant or contract shall specifically so identify such problems.

PART B—SERVICE-LEARNING PROGRAMS

STATEMENT OF PURPOSE

SEC. 111 [This part provides for the University Year for ACTION (UYA) program of full-time volunteer service by students enrolled in institutions of higher education, together with appropriate powers and responsibilities designed to assist in the development and coordination of such programs. The purpose of this part is to strengthen and supplement efforts to eliminate poverty and poverty-related human, social, and environmental problems by enabling students at such cooperating institutions to perform meaningful and constructive volunteer service in connection with the satisfaction of such students' course work during their periods of service while attending such institutions, in agencies, institutions, and situations where the application of human talent and dedication may assist in the solution of poverty and poverty-related problems and secure and exploit opportunities for self-advancement by persons afflicted with such problems. Its purpose further is to encourage other students and faculty members to engage, on a part-time, self-supporting basis, in such volunteer service and work along with volunteers serving under this part; and to promote participation by such institutions in meeting the needs of the poor in the surrounding community through expansion of service-learning programs and otherwise. Its purpose further is to provide for a program of part-time or short-term service-learning by secondary and post-secondary school students to strengthen and supplement efforts to eliminate poverty and poverty-related human, social, and environmental problems.] *The purpose of this part is to provide for a program of part-time or short-term service-learning by secondary and postsecondary school students to strengthen and supplement efforts to alleviate poverty and poverty-related human problems.*

[AUTHORITY TO OPERATE UNIVERSITY YEAR FOR ACTION PROGRAM

[SEC. 112. Except as otherwise provided in this part, the Director is authorized to conduct or make grants and contracts for, or both, programs to carry out the purposes of this part in accordance with the authorities and subject to the restrictions in the provisions of part A of this title, except for the provisions of section 103(d) and 104(d), and except that the Director may, in accordance with regulations he shall prescribe, determine to reduce or eliminate the stipend for volunteers serving under this part on the basis of the value of benefits provided such volunteers by the institution in question (including the reduction or waiver of tuition.)]

[SPECIAL CONDITIONS

[SEC. 113. (a) Volunteers serving under this part shall be enrolled for periods of service as provided for in subsection (b) of section 104, except that volunteers serving in the University Year for ACTION program may be enrolled for periods of service of not less than the duration of an academic year, but volunteers enrolled for less than 12 months shall not receive stipends under section 105(a)(1). Volunteers serving under this part may receive academic credit for such service in accordance with with the regulations of the sponsoring institution of higher education.

[(b) Grants to and contracts with institutions to administer programs under this part shall provide that prospective student volunteers shall participate substantially in the planning of such programs and that such institutions shall make available to the poor in the surrounding community all available facilities, including human resources, of such institutions in order to assist in meeting the needs of such poor persons.

[(c)(1) In making grants or contracts for the administration of UYA programs under this part, the Director shall insure that financial assistance under this Act to programs carried out pursuant to section 112 of this part shall not exceed 90 per centum of the total cost (includng planning costs) of such program during the first year and such amounts less than 90 per centum as the Director, in consultation with the institution, may determine for not more than four additional years, including years in which support was received under title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991–2994d). Each such grant or contract shall stipulate that the institution will make every effort to (A) assume an increasing proportion of the cost of continuing a program carrying out the purpose of this part while the institution receives support under this part; (B) waive or otherwise reduce tuition for participants in such program, where such waiver is not prohibited by law; (C) utilize students and faculty at such institution to carry out, on a self-supporting basis, appropriate planning for such programs; and (D) maintain similar service-learning programs after such institution no longer receives support under this part.

[(2) The Director shall take necessary steps to monitor the extent of compliance by such institutions with commitments entered into under paragraph (1) of this subsection and shall advise the Secretary of Health, Education, and Welfare of the extent of each such institutions' compliance.]

SPECIAL SERVICE-LEARNING PROGRAMS

[SEC. 114.] *SEC. 112* (a) The Director is authorized to make grants and contracts for projects and programs which encourage and enable students in secondary, secondary vocational, and postsecondary schools to participate in service-learning programs on an in-school or out-of-school basis in assignments of a character [and on such terms and conditions as are described in subsections (a) and (c) of section 103] *as described in section 111.*

PART C—SPECIAL VOLUNTEER PROGRAMS

STATEMENT OF PURPOSE

SEC. 121. This part provides for special emphasis and demonstration volunteer programs, together with appropriate powers and responsibilities designed to assist in the development and coordination of such programs. The purpose of this part is to strengthen and supplement efforts to meet a broad range of human [social, and environmental] needs, particularly those related to poverty, by encouraging and enabling persons from all walks of life and from all age groups to perform meaningful and constructive volunteer service in agencies, institutions, and situations where the application of human talent and dedication may help to meet such needs. *It is the further purpose of this part to provide technical assistance to encourage voluntary organizations and volunteer efforts at the Federal, State, and local level.*

AUTHORITY TO ESTABLISH AND OPERATE PROGRAMS

SEC. 122. (a)(1) The Director is authorized to conduct or make grants or contracts, or both, for special volunteer programs in urban and rural areas or demonstration programs (such as but not limited to a program to provide alternatives to the incarceration of youthful offenders; a program to promote educational opportunities for veterans; a program to provide community-based peer group outreach and counseling for drug abusers, a program of assistance to victims of domestic violence, a program to provide technical and management assistance to distressed communities, a program designed to provide personal and group financial counseling to low-income and fixed-income individuals (utilizing volunteers with specialized or technical expertise), and a Helping Hand) program designed to stimulate and initiate improved methods of providing volunteer services, to encourage wider volunteer participation on a full-time, part-time, or short-term basis to further the purpose of this part, and to identify particular segments of the poverty community which could benefit from volunteer and other antipoverty efforts. In carrying out programs authorized by this part, the Director is authorized to provide for the recruitment, selection, and training of volunteers.

(2) In carrying out programs authorized by this part, the Director shall establish criteria to make grants and enter into contracts, in each fiscal year, on the basis of merit and of an equitable geographic distribution of programs.

[(2)**]** *(3)* For purposes of this subsection, the term "Helping Hand" program means a program utilizing person-to-person services to reduce the necessity for institutionalization (in hospitals, mental institutions, nursing homes, other extended-care settings, and other facilities) and to ameliorate residential isolation (through senior centers, half-way house facilities, and other residential settings) of older persons, handicapped persons, and other affected persons, stressing interactions between persons from various age groups, particularly young and old, and carried out in coodination with the appropriate State system for the protection and advocacy of the rights of persons with developmental disabilities established pursuant to section 113 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6012).

(b) Except as provided in subsection (c) of this section, assignment of volunteers under this section shall be on such terms and conditions as the Director shall determine, pursuant to regulations which he shall prescribe.

(c)(1) The Director, in accordance with regulations which the Director shall prescribe, may provide to volunteers enrolled for periods of part-time service of not less than 20 hours per week for not less than 26 consecutive weeks under this part such allowances, support, and services as are described in section 105(b) and as the Director determines are necessary to carry out the purpose of this part, and shall apply the provisions of sections 104(c) and 105(b) to the service of volunteers enrolled for full-time service under this part.

(2) The Director, in accordance with regulations which the Director shall prescribe with respect to volunteers enrolled for periods of full-time service of not less than one year under this part—

(A) may provide to such volunteers such stipends, in total amounts not in excess of stipends provided under section 105(a) to volunteers serving under part A of this title, as the Director determines are necessary to carry out the purpose of this part; and

(B) to the extent that the terms and conditions of the service of such volunteers are of similar character to the terms and conditions of the service of volunteers enrolled under part A of this title, shall apply to the service of such volunteers enrolled under this part the provisions of sections 103(b) relating to low-income community volunteers, 103(d), 104(d), and 105(a) to the extent such provisions are applied to the service of volunteers enrolled under such part A.

TECHNICAL AND FINANCIAL ASSISTANCE FOR IMPROVEMENT OF VOLUNTEER PROGRAMS

SEC. 123. The Director may provide technical and financial assistance to Federal agencies, State and local governments and agencies, and private nonprofit organizations, which utilize or desire to utilize volunteers in connection with carrying out the purpose of this part. Such assistance may be used to facilitate and improve (1) methods of recruiting, training, or utilizing volunteers, or (2) the administration of volunteer programs. In providing such technical and financial assistance, the Director shall utilize, to the maximum extent feasible, existing programs, and shall seek to avoid duplication of existing programs in the public or private sectors.

TITLE II—NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS

PART A—RETIRED SENIOR VOLUNTEER PROGRAM

GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS

SEC. 201. (a) In order to help retired persons to avail themselves of opportunities for volunter service in their community, the Director is authorized to make grants to State agencies (established or designated pursuant to section 305(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3025(a)(1))) or grants to or contracts with other public and nonprofit private agencies and organizations to pay part or all of the costs for the development or operation, or both, of volunteer service programs under this section, if he determines, in accordance with regulations he shall prescribe, that—

(1) volunteers will not be reimbursed for other than transportation, meals, and other out-of-pocket expenses incident to the provision of services under this part;

(2) only individuals aged sixty or over will be enrolled as volunteers to provide services under this part (except for administrative purposes), and such services will be performed in the community where such individuals reside or in nearby communities either (A) on publicly owned and operated facilities or projects, or (B) on local projects sponsored by private nonprofit organizations (other than political parties), other than projects involving the construction, operation, or maintenance of so much of any facility used or to be used for sectarian instruction or as a place for religious worship;

(3) the program includes such short-term training as may be necessary to make the most effective use of the skills and talents of participating volunteers and individuals, and provide for the payment of the reasonable expenses of such volunteers while undergoing such training; and

(4) the program is being established and will be carried out with the advice of persons competent in the field of service involved, and of persons with interest in and knowledge of the needs of older persons.

(b) In no event shall the required proportion of the local contribution (including in-kind contributions) for a grant or contract made under this section be more than 10 per centum in the first year of assistance under this section, 20 per centum in the second such year, 30 per centum in the third such year, 40 per centum in the fourth such year, and 50 per centum in any subsequent such years: *Provided, however,* That the Director may make exceptions in cases of demonstrated need, determined (in accordance with regulations which the Director shall prescribe) on the basis of the financial capability of a particular recipient of assistance under this section, to permit a lesser local contribution proportion than any required contribution proportion established by the Director in generally applicable regulations.

(c) The Director shall not award any grant or contract under this part for a project in any State to any agency or organization unless, if such State has a State agency established or designated pursuant to section 305(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3025(a)(1)), such agency itself is the recipient of the award or such agency has been afforded at least forty-five days in which to review the project application and make recommendations thereon.

(d) Notwithstanding any other provision of law, volunteer service under this part shall not be deemed employment for any purpose which the Director finds is not fully consistent with the provisions and in furtherance of the purpose of this part.

PART B—FOSTER GRANDPARENT PROGRAM [AND OLDER AMERICAN COMMUNITY SERVICE PROGRAMS]

GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS

SEC. 211. (a) The Director is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects (including direct payments to individuals serving under this part) designed for the purpose of providing opportunities for low-income persons aged sixty or over to provide supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services by individuals serving as "foster grandparents" to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs. The Director may approve assistance in excess of 90 per centum of the costs of the development and operation of such projects only if he determines, in accordance with regulations he shall prescribe establishing objective criteria, that such action is required in furtherance of the purpose of this section. Provision for such assistance shall be effective as of September 19, 1972. In the case of any project with respect to which, prior to such date, a grant or contract has been made under section 611(a) of the Older Americans

Act of 1965, as amended (42 U.S.C. 3044b) or with respect to any project under the Foster Grandparent program in effect prior to September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs, Department of the Interior, toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

(b)(1) Any public or private nonprofit agency or organization responsible for providing person-to-person services to a child in a project carried out under subsection (a) of this section shall have the exclusive authority to determine, pursuant to the provisions of paragraph (2) of this subsection—

(A) which children may receive supportive person-to-person services under such project; and

(B) the period of time during which such services shall be continued in the case of each individual child.

(2) In the event that such an agency or organization determines that it is in the best interests of a mentally retarded child receiving, and of a particular foster grandparent providing, services in such a project, such relationship may be continued after the child reaches the chronological age of 21: *Provided,* That such child was receiving such services prior to attaining the chronological age of 21. *If the particular foster grandparent subject to the determination under this paragraph becomes unavailable to serve after such determination is made, the agency or organization may select another foster grandparent.*

(3) Any determination made by a public or nonprofit private agency or organization under paragraphs (1) and (2) of this subsection shall be made through mutual agreement by all parties involved with respect to the provision of services to the child involved.

[(d)**]** *(c)* For the purposes of this section, the terms "child" and "children" mean any individual or individuals who are less than 21 years of age.

[(e)**]** *(d)* The Director, in accordance with regulations he shall prescribe, may provide to persons serving as volunteers under this part, such allowances, stipends, and other support as he determines are necessary to carry out the purpose of this part. Any stipend or allowance provided under this subsection shall not be less than $2 per hour, except that (1) no increase in the stipend or allowance shall be made pursuant to this sentence unless the funds appropriated for carrying out this part are sufficient to maintain for the fiscal year in question a number of participants to serve under this part at least equal to the number of such participants serving during the preceding fiscal year, and (2) in the event that sufficient appropriations for any fiscal year are not available to increase any such stipend or allowance provided to $2 per hour, the Director shall increase the stipend or allowance to such amount as appropriations for such year permit consistent with clause (1) of this exception.

[(f)**]** *(e)* For the purposes of this part, the terms "low-income person" and "person of low income" mean (1) any person whose income is not more than 125 percent of the poverty line set forth in section 625 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2971d); and (2) any person considered a poor or low-income person under section 421(4) of this Act, with special consideration for participation in projects under this part provided to persons described in clause (2).

CONDITIONS OF GRANTS AND CONTRACTS

Sec. 212. (a)(1) In carrying out this part, the Director shall insure that individuals receiving assistance in any project are older persons of low income who are no longer in the regular work force.

(2)(A) The Director shall award a grant or contract under this part for a project to be carried out over an area in a State more comprehensive than one community, to the State agency established or designated pursuant to section 305(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3025(a)(1)), unless (i) the State has not established or designated such an agency; or (ii) such agency has been afforded at least 45 days to (I) review the project application made by a prospective grantee or contractor other than such agency for a project to be carried out in such State; and (II) make recommendations thereon. In the event that such an established or designated State agency is not awarded the grant or contract, any application approved for a project in such State shall contain or be supported by satisfactory assurances that the project has been developed, and will, to the extent feasible, be conducted, in consultation with, or with the participation of, such agency.

(B) The Director shall award a grant or contract under this part for a project to be carried out entirely in a community served by a community action agency, to such agency unless such agency and the State agency established or designated pursuant to section 305(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3025(a)(1)) have been afforded at least 45 days to (i) review the project application made by a prospective grantee or contractor other than either such agency for a project to be carried out in such community; and (ii) make recommendations thereon. In the event that such a community action agency or such an established or designated State agency is not awarded the grant or contract, any application approved for a project to be carried out entirely in such community shall contain or be supported by satisfactory assurances that the project has been developed, and will, to the extent feasible, be conducted, in consultation with, or with the participation of, such community action agency.

(b) The term "community action agency" as used in this section means a community action agency as defined in title II of the Economic Opportunity Act of 1964, as ameded (42 U.S.C. 2781-2837).

PART C—SENIOR COMPANIONS PROGRAM

GRANTS AND CONTRACTS FOR THE PROGRAM

Sec. 213. (a) The Director is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects (including direct payments to individuals serving under this part in the same manner as provided in section 211(a)) designed for the purpose of providing opportunities for low-income persons aged

60 or over to serve as 'senior companions' to persons with exceptional needs. Senior companions may provide services designed to help older perons requiring long-term care, including services to persons receiving home health care, nursing care, home-delivered meals or other nutrition services; services designed to help persons deinstitutionalized from mental hospitals, nursing homes, and other institutions; and services designed to assist persons having developmental disabilities and other special needs for companionship.

(b) The provisions of section 211(d) and section 211(e) and such other provisions of part B as the Director determines to be necessary shall apply to the provisions of this part.

(c)(1) The Director is authorized to make grants or contracts for Senior Companion projects to assist homebound elderly to remain in their own homes and to enable institutionalized elderly to return to home care settings.

(2)(A) The Director is encouraged to recruit, subject to subparagraph (B), Senior Companion volunteer trainers who on the basis of experience (such as doctors, nurses, home economists, social workers) will be used to train Senior Companion volunteers to provide initial and continuing needs assessments and appropriate in-home services for Senior Companion volunteer recipients. The needs assessments and in-home services shall be coordinated with and supplement existing community based home health and long-term care systems. The Director may also use Senior Companion volunteer leaders, who on the basis of experience as volunteers, special skills, and demonstrated leadership abilities may spend time in the program (in addition to their regular assignment) to assist newer Senior Companion volunteers in performing their assignments and in coordinating activities of such volunteers.

(B) Senior Companion volunteer trainers recruited under subparagraph (A) of this paragraph shall not be paid stipends.

The Director shall conduct an evaluation of the impact of the projects assisted under this subsection based upon a sample survey of projects so assisted. In the third year of such study, the Director shall prepare and submit a report to the Congress. Such evaluation study shall include information on—

(A) the extent to which costs of providing long-term care are reduced by using volunteers who receive stipends in the provision of long-term care services,

(B) the effectiveness of the provision of long-term care with the use of volunteers,

(C) the extent to which health related costs of the Senior Companion volunteers themselves are affected because of their involvement in the project,

(D) the extent of coordination with other Federal and State efforts aimed at enabling older individuals to receive care in their own homes; and

(E) the effectiveness of using Senior Companion volunteer leaders and of involving Senior Companion volunteers based on the training of the volunteer leaders and volunteers.

PART D—GENERAL PROVISIONS

COORDINATION WITH OTHER FEDERAL PROGRAMS

SEC. 221. In carrying out this title, the Director shall consult with the Departments of Labor and Health and Human Services any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs, and shall promote the coordination of projects under this title with other public or private programs or projects carried out at State and local levels. Such Federal agencies shall cooperate with the Director in disseminating information about the availability of assistance under this title and in promoting the identification and interest of low-income and other older persons whose services may be utilized in projects under this title.

PAYMENTS

SEC. 222. Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, or account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Director may determine.

MINORITY GROUP PARTICIPATION

SEC. 223. The Director shall take appropriate steps to insure that special efforts are made to recruit, select, and assign qualified individuals sixty years and older from minority groups to serve as volunteers under this title.

USE OF NON-FEDERAL CONTRIBUTIONS IN OLDER AMERICAN VOLUNTEER PROGRAMS

SEC. 224. Whenever non-Federal contributions made to volunteer programs for older Americans under this title is in excess of the amount required by the Director, the Director may not restrict the manner in which such contributions are expended if expenditures from non-Federal contributions are consistent with the provisions of this Act.

TITLE IV—ADMINISTRATION AND COORDINATION

ESTABLISHMENT OF AGENCY

SEC. 401. There is hereby established in the executive branch of the Government an agency to be known as the ACTION Agency *in order to provide a focal point for volunteerism at the Federal, State, and local level.* Such Agency shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. There shall also be in such agency a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code. The Deputy Director shall perform such functions as the Director shall from time to time prescribe, and shall act as Director of the ACTION Agency during the absence or disability of the Director. [There shall also be in such agency two Associate Directors *one Associate Director* who shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code. One such Associate Director shall be designated "Associate Director for Domestic and Anti-Poverty Operations" and shall carry out operational responsibility for all programs authorized under this Act, and the other such Associate Director shall be designated "Associate Director for International Operations" and shall carry out operational responsibility for all programs authorized under the Peace Corps Act (22 U.S.C. 2501 et seq.). There shall also be in such agency no more than two Assistant Directors appointed by the President by and with the advice and consent of the Senate, who shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code. Each such Assistant Director shall perform such staff and support functions for such Associate Directors as the Director shall from time to time prescribe. There shall also be in such agency one Deputy Associate Director, under the Associate Director for Domestic and Anti-Poverty Operations, primarily responsible for programs carried out under parts A and B of title I of this Act and one Deputy Associate Director, under the Associate Director for Domestic and Anti-Poverty Operations, primarily responsible for programs carried out under title II of this Act, each of whom shall be appointed by the Director.] *There shall also be in such agency one Associate Director who shall be appointed by the President with the advice and consent of the Senate, and shall be compensated at the rate provided for level 5 of the Executive Schedule under section 5316 of title 5, United States Code. Such Associate Director shall be designated "Associate Director for Domestic and Anti-Poverty Operations" and shall carry out operational responsibility for all programs authorized under this Act. There shall also be insuch agency three Assistant Directors, each of whom shall be appointed by Director, and who shall report directly to the Associate Director for Domestic and Anti-Poverty Operations. One such Assistant Director shall be primarily responsible for VISTA and other antipoverty programs under title I of this Act, one such Assistant Director shall be primarily responsible for liaison with private voluntary organizations undr part C of title I of the Act, and one such Assistant Director shall be primarily responsible for the Older American Volunteer Programs under title II of this Act. In the event of a vacancy in the position of Director, or in the absence or inability to act as the Director, the order of officials who shall act as Director of the ACTION agency shall be, the Deputy Director, the Associate Director for Domestic and Anti-Poverty Operations, the Assistant Director responsible for Older American Volunteer Programs under title II of this Act, the Assistant Director responsible for VISTA and other antipoverty programs under title I of this Act, and the Assistant Director responsible for liaison with private voluntary organizations under title I of this Act.*

AUTHORITY OF THE DIRECTOR

SEC. 402. In addition to the authority conferred upon him by other sections of this Act, the Director is authorized to—

(1) appoint in accordance with the Civil Service laws such personnel as may be necessary to enable the ACTION Agency to carry out its functions, and, except as otherwise provided herein, fix the compensation of such personnel in accordance with chapter 51 of title 5, United States Code;

(2)(A) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that no individual may be employed under the authority of this subsection for more than one hundred days in any fiscal year; (B) compensate individuals so employed at rates not in excess of the daily equivalent of the rate payable to a GS-18 employee under section 5332 of such title, including traveltime; (C) allow such individuals, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of such title for persons in the Government service employed intermittently, while so employed; and (D) annually renew contracts for such employment under this clause;

(3) with the approval of the President, arrange with and reimburse the heads of other Federal agencies for the performance of any of the provisions of this Act and, as necessary or appropriate, delegate any of his functions under this Act and authorize the redelegation thereof subject to provisions to assure the maximum possible liaison between the ACTION Agency and such other agencies at all operating levels, which shall include the furnishing of complete operational information by such other agencies to the ACTION Agency and the furnishing of such information by the ACTION Agency to such other agencies;

(4) with their consent, utilize the services and facilities of Federal agencies without reimbursement, and, with the consent of any State or a political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivisions without reimbursement;

(5) accept in the name of the ACTION Agency, and employ or dispose of in furtherance of the purposes of this Act, or of any title thereof, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise;

(6) accept voluntary and uncompensated services;

(7) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act as he deems necessary to carry out the provisions hereof, including (without regard to the provisions of section 4774(d) of title 10, United States Code), expenditure for construction, repairs, and capital improvements;

(8) disseminate, without regard to the provisions of section 3204 of title 39, United States Code, data and information, in such form as he shall deem appropriate to public agencies, private organizations, and the general public;

(9) adopt an official seal, which shall be judicially noticed;

(10) collect or compromise all obligations to or held by him and all legal or equitable rights accruing to him in connection with the payment of obligations in accordance with Federal Claims Collection Act of 1966 (31 U.S.C. 951-53);

(11) expend funds made available for purposes of this Act as follows: (A) for printing and binding, in accordance with applicable law and regulations; and (B) without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him; but the Director shall not utilize the authority contained in this subclause (B)—

(i) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this Act, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which, it is needed, and

(ii) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority;

(12) notwithstanding any other provision of law, make grants to or contracts with Federal or other public departments or agencies and private nonprofit organizations for the assignment or referral of volunteers under this Act (except as provided in section 108), which may provide that the agency or organization shall pay all or a part of the costs of the program;

(13) provide or arrange for educational and vocational counseling of volunteers and recent former volunteers under this Act to (A) encourage them to use in the national interest the skills and experience which they have derived from their training and service, particularly working in combating poverty as members of the helping professions, and (B) promote the development, and the placement therein of such volunteers, of appropriate opportunities for the use of such skills and experience;

(14) establish such policies, standards, criteria, and procedures, prescribe such rules and regulations, enter into such contracts and agreements with public agencies and private organizations and persons, and make such payments (in lump sum or installments, and in advance or by way of reimbursement, and in the case of grants otherwise authorized under this Act, with necessary adjustments on account of overpayments and underpayments) as are necessary or appropriate to carry out the provisions of this Act; and

(15) generally perform such functions and take such steps, consistent with the purposes and provisions of this Act, as he deems necessary or appropriate to carry out the provisions of this Act.

POLITICAL ACTIVITIES

SEC. 403. (a) No part of any funds appropriated to carry out this Act, or any program administered by the ACTION Agency, shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or the outcome of any election to any State or local public office, or any voter registration activity, or to pay the salary of any officer or employee of the ACTION Agency, who, in his official capacity as such an officer or employee, engages in any such activity. As used in this section, the term "election" (when referring to an election for Federal office) has the same meaning given such term by section 301(a) of the Federal Election Campaign Act of 1971 (Public Law 92-225), and the term "Federal office" has the same meaning given such term by section 301(c) of such Act.

(b)(1) Programs assisted under this Act shall not be carried on in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with (A) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, (B) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (C) any voter registration activity.

(2) No funds appropriated to carry out this Act shall be used by any program assisted under this Act in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except—

(A) in any case in which a legislative body, a committee of a legislative body, or a member of a legislative body requests any volunteer in, or employee of, such a program to draft, review, or testify regarding measures or to make representations to such legislative body, committee, or member; or

(B) in connection with an authorization or appropriations measure directly affecting the operation of the program.

(c) The Director, after consultation with the Office of Personnel Management, shall issue rules and regulations to provide for the enforcement of this section, which shall include provisions for summary suspension of assistance for no more than thirty days until notice and an opportunity to be heard can be provided or other action necessary to permit enforcement on an emergency basis.

SPECIAL LIMITATIONS

SEC. 404. (a) The Director shall prescribe regulations and shall carry out the provisions of this Act so as to assure that the service of volunteers assigned, referred, or serving pursuant to grants, contracts, or agreements made under this Act is limited to activities which would not otherwise be performed by employed workers and which will not supplant the hiring of or result in the displacement of employed workers, or impair existing contracts for service.

(b) All support, including transporation provided to volunteers under this Act, shall be furnished at the lowest possible costs consistent with the effective operation of volunteer programs.

(c) No agency or organization to which volunteers are assigned hereunder, or which operates or supervises any volunteer program hereunder, shall request or recieve any compensation for services of volunteers supervised by such agency or organization.

(d) No funds authorized to be appropriated herein shall be directly or indirectly utilized to finance labor or anti-labor organization or related activity.

(e) Persons serving as volunteers under this Act shall provide such information concerning their qualifications, including their ability to perform their assigned tasks, and their integrity, as the Director shall prescribe and shall be subject to such procedures for selection and approval as the Director determines are necessary to carry out the purposes of this Act. The Director may establish such special procedures for the recruitment, selection, training, and assignment of low-income residents of the area to be served by a program under this Act who wish to become volunteers as he determines will further the purposes of this Act.

(f) Notwithstanding any other provision of law [and except as provided in the second sentence of this subsection,] the Director shall assign or delegate any substantial responsiblity for carrying out programs under this Act only to persons appointed or employed pursuant to clauses (1) and (2) of section 402, and persons assigned or delegated such substantial responsibilities on the effective date of this Act and who are receiving compensation in accordance with provisions of law other than the applicable provisions of title 5, United States Code, on such date shall, by operation of law on such date, be assigned a grade level pursuant to such latter provisions so as to fix the compensation of such persons under such authority at no less than their compensation rate on the day preceding such date. [The Director may personally make exceptions to the requirement set forth in the first sentence of this subsection for persons he finds will be assigned to carrying out functions under the Peace Corps Act (22 U.S.C. 2501 et seq.) within six months after the effective date of this Act.]

(g)(1) Notwithstanding any other provision of law except as may be provided expressly in limitation on this subsection, payments to volunteers under this Act shall not in any way reduce or eliminate the level of or eligibility for assistance or services any such volunteers may be receiving under any governmental program, except that this paragraph shall not apply in the case of such payments when the Director determines that the value of all such payments, adjusted to reflect the number of hours such volunteers are serving, is equivalent to or greater than the minimum wage then in effect under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) or the minimum wage, under the laws of the State where such volunteers are serving, whichever is the greater.

(2) Notwithstanding any other provision of law, a person enrolled for full-time service as a volunteer under title I of this Act who was otherwise entitled to receive assistance or services under any governmental program prior to such volunteer's enrollment shall not be denied such assistance or services because of such volunteer's failure or refusal to register for, seek, or accept employment or training during the period of such service.

NATIONAL VOLUNTARY SERVICE ADVISORY COUNCIL

SEC. 405. (a) There is hereby established in the ACTION Agency a National Voluntary Service Advisory Council (hereinafter referred to as the "Council") to be composed of not more than twenty-five members appointed, not later than ninety days after the date of the enactment of this Act, by and serving at the pleasure of the President. Such members shall be representative of public and private organizations, groups, and inviduals interested in serving and benefited by programs carried out under this Act and the Peace Corps Act (22 U.S.C. 2501 et seq.). The President shall designate a temporary chairperson from such members and shall call the initial meeting of the Council within thirty days after appointment of such Council. Members of the Council shall designate a permanent chairperson from such members and shall meet at the call of such chairperson, but not less than four times in each year. Members of the Council, other than those regularly employed by the Federal Government, while attending meetings of such Council shall receive compensation and travel expenses as provided in section 402(2) of this Act with respect to experts and consultants. The Director and Deputy Director of the ACTION Agency shall be ex offico members of the Council.

(b) The Council shall—

(1) advise the Director with respect to policy matters arising in the administration of this Act and the Peace Corps Act (22 U.S.C. 2501 et seq.); and

(2) upon request of the Director, review the effectiveness and the operation of programs under this Act and the Peace Corps Act and make recommendations (including such proposals for changes in such Acts as the Council deems appropriate) concerning (A) the improvement of such programs, (B) the elimination of duplication of effort, and (C) the coordiation of such programs with other Federal programs designed to assist the beneficiaries of such Acts.

(c) Not later than January 1 of each calendar year beginning with the calendar year 1975, the Council shall make an annual report of its findings and recommendations to the President for transmittal by the President to the Congress together with his comments and recommendations.

(d) In the event that a National Advisory Council to the ACTION Agency is established by administrative action after January 1, 1976, the provisions of subsections (a), (b), and (c) of this section shall apply to any such Council.

LABOR STANDARDS

SEC. 406. All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating of projects, buildings and works which are federally assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Number

14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and in section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, ch. 492, as amended; 40 U.S.C. 276c).

REPORTS

SEC. 407. Not later than one hundred and twenty days after the end of each fiscal year, the Director shall prepare and submit to the President for transmittal by the President to the Congress a full and complete report on the activities of the ACTION Agency during such year.

JOINT FUNDING

SEC. 408. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided, and, notwithstanding any other provision of law, in such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency. When the principal agency involved is the ACTION Agency, it may waive any grant or contract requirement (as defined by such regulations) under or pursuant to any law other than this Act, which requirement is inconsistent with the similar requirements under or pursuant to this Act.

PROHIBITION OF FEDERAL CONTROL

SEC. 409. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any education institution or school system.

COORDINATION WITH OTHER PROGRAMS

SEC. 410. The Director shall take necessary steps to coordinate volunteer programs authorized under this Act with one another, with community action programs, and with other related Federal, State, and local programs. The Director shall also consult with the heads of other Federal, State, and local agencies responsible for programs related to the purposes of this Act with a view to encouraging greater use of volunteer services in those programs and establishing in connection with them systematic procedures for the recruitment, referral, or necessary preservice orientation of training of volunteers serving pursuant to this Act. The Director, in consultation with the Director of the Office of Personnel Management and the Secretaries of Labor, Commerce, and the Treasury and officials of other appropriate departments and agencies, shall take all appropriate steps to encourage State and local governments, charitable and service organizations, and private employers (1) to take into account experience in volunteer work in the consideration of applicants for employment; and (2) to make provisions for the listing and description of volunteer work on all employment application forms.

PROHIBITION

SEC. 411. In order to assure that existing Federal agencies are used to the fullest extent possible in carrying out the purposes of this Act, no funds appropriated to carry out this Act shall be used to establish any new department or office when the intended function is being performed by an existing department or office.

NOTICE AND HEARING PROCEDURES FOR SUSPENSION AND TERMINATION OF FINANCIAL ASSISTANCE

SEC. 412. The Director is authorized, in accordance with the provisions of this section, to suspend further payments or to terminate payments under any contract or grant providing assistance under this Act, whenever he determines there is a material failure to comply with the applicable terms and conditions of any such grant or contract. The Director shall prescribe procedures to insure that—

(1) assistance under this Act shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations for thirty days, nor shall an application for refunding under this Act be denied, unless the recipient has been given reasonable notice and opportunity to show cause why such action should not be taken; and

(2) assistance under this Act shall not be terminated for failure to comply with applicable terms and conditions unless the recipient has been afforded reasonable notice and opportunity for a full and fair hearing.

DISTRIBUTION OF BENEFITS BETWEEN RURAL AND URBAN AREAS

SEC. 414. The Director shall adopt appropriate administrative measures to assure that the benefits of and services under this Act will be distributed equitably between residents of rural and urban areas.

APPLICATION OF FEDERAL LAW

SEC. 415. (a) Except as provided in subsections (b), (c), (d), and (e) of this section, volunteers under this Act shall not be deemed Federal employees and shall not be subject to the provisions of laws relating to Federal officers and employees and Federal employment.

(b) Individuals enrolled as volunteers for periods of full-time service, or, as the Director deems appropriate in accordance with regulations, for periods of part-time service of not less than 20 hours per week for not less than 26 consecutive weeks, under title I of this Act shall, with respect to such service or training, (1) for the purposes of subchapter III of chapter 73 of title 5, United States Code, be deemed persons employed in the executive branch of the Federal Government, (2) for the purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), be deemed employees of the United

States, and any service performed by an individual as a volunteer (including training) shall be deemed to be performed in the employ of the United States, (3) for the purposes of the Federal Tort Claims provisions of title 28, United States Code, be deemed employees of the United States, (4) for the purposes of subchapter I of chapter 81 of title 5, United States Code (relative to compensation to Federal employees for work injuries), shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply except as follows: (A) in computing compensation benefits for disability or death, the annual rate of pay of a volunteer enrolled for a period of full-time service under such title I shall be deemed to be that received under the entrance salary for a grade GS-7 employee, and the annual rate of pay of a volunteer enrolled for a period of part-time service under such title I shall be deemed to be such entry salary or an appropriate portion thereof as determined by the Director, and subsections (a) and (b) of section 8113 of title 5, United States Code, shall apply, and (B) compensation for disability shall not begin to accrue until the day following the date on which the injured volunteer is terminated, and (5) be deemed employees of the United States for the purposes of section 5584 of title 5, United States Code (and stipends and allowances paid under this Act shall be considered as pay for such purposes).

(c) Any period of service of a volunteer enrolled in a program for a period of service of at least one year under **[**part A of title I of this Act**]** *part A of title I of this Act, as in effect prior to the date of enactment of the Community Volunteer Service Act of 1983* and any period of full-time service of a volunteer enrolled in a program for a period of service of at least one year under part B or C of title I of this Act, shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

(1) for the purposes of section 852(a)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a)(1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Office of Personnel Management, the Foreign Service Act of 1946, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided,* That service of a volunteer shall not be credited toward completion of any probationary or trial period of completion of any service requirement for career appointment.

(d) Volunteers serving in programs for periods of service of at least one year under **[**part A of title I of this**]** *part A of title I of this Act, as in effect prior to the date of enactment of the Community Volunteer Service Act of 1983* and volunteers serving for such periods under title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991–2994d), including those whose service was completed under such Act, who the Director determines, in accordance with regulations he shall prescribe, have successfully completed their periods of service, shall be eligible for appointment in the competitive service in the same manner as Peace Corps volunteers as prescribed in Executive Order Number 11103 (April 10, 1963).

(e) Notwithstanding any other provision of law, all references in any other law to persons serving as volunteers under title VIII of the Economic Opportunity Act of 1964, as amended, shall be deemed to be references to persons serving as full-time volunteers in a program of at least one year's duration under part A, B, or C of title I of this Act.

(f)(1) The remedy—

(A) against the United States provided by sections 1346(b) and 2672 of title 28, United States Code, or

(B) through proceedings for compensation or other benefits from the United States as provided by any other law, where the availability of such benefits precludes a remedy under section 1346(b) or 2672 of such title 28,

for damages for personal injury, including death, allegedly arising from malpractice or negligence of a physician, dentist, podiatrist, optometrist, nurse, physician assistant, expanded-function dental auxiliary, pharmacist, or paramedical (for example, medical and dental technicians, nursing assistants, and therapists) or other supporting personnel in furnishing medical care or treatment while in the exercise of such person's duties as a volunteer enrolled under title I of this Act shall be exclusive of any other civil action or proceeding by reason of the same subject matter against such person (or such person's estate) whose action or omission gave rise to such claim.

(2) The Attorney General of the United States shall defend any civil action or proceeding brought in any court against any person referred to in paragraph (1) of this subsection (or such person's estate) for any such damage or injury. Any such person against whom such civil action or proceeding is brought shall deliver, within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon such person or an attested true copy thereof to such person's immediate supervisor or to whomever is designated by the Director to receive such papers, and such person shall promptly furnish copies of the pleading and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought and to the Attorney General.

(3) Upon a certification by the Attorney General that the defendant was acting in the scope of such person's volunteer assignment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28, United States Code, and all references thereto. After removal the United States shall have available all defenses to which it would have been entitled if the action had originally been commenced against the United States. Should a dis-

trict court of the United States determine on a hearing on a motion to remand held before a trial on the merits that the volunteer whose act or omission gave rise to the suit was not acting within the scope of such person's volunteer assignment, the case shall be remanded to the State court.

(4) The Attorney General may compromise or settle any claim asserts in such civil action or proceeding in the manner provided in section 2677 of title 28, United States Code, and with the same effect.

EVALUATION

SEC. 416. (a) The Director shall periodically measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

(b) The Director shall develop and publish general standards for evaluation of program and project effectiveness in achieving the objectives of this Act. Reports submitted pursuant to section 407 shall describe the actions taken as a result of evaluations carried out under this section.

(c) In carrying out evaluations under this title, the Director shall whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of such programs and projects.

(d) The Director shall publish summaries of the results of evaluations of program and project impact and effectiveness no later than sixty days after the completion thereof.

(e) The Director shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

(f) The Director is authorized to use such sums as are required, but not to exceed 1 per centum of the funds appropriated under this Act, to conduct program and project evaluations (directly, or by grants or contracts) as required by this Act. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriate therefor) shall be reduced accordingly.

NONDISCRIMINATION

SEC. 417. (a) The Director shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any such program because of race, creed, belief, color, national origin, sex, age, handicap, or political affiliation. For purposes of this subsection, and for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (Public Law 94-135), title III; 42 U.S.C. 6101 et seq.), any program, project, or activity to which volunteers are assigned under this Act shall be deemed to be receiving Federal financial assistance.

(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Director shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1). Section 603 of such Act shall apply with respect to any action taken by the Director to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this Act.

(c)(1) The Director shall apply the nondiscrimination policies and authorities set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16), in title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.), and in the Age Discrimination Act of 1975 (Public Law 94-135, title III; 42 U.S.C. 6101 et seq.) to applicants for enrollment for service as volunteers, and to volunteers serving, under this Act [and the Peace Corps Act (22 U.S.C. 2501 et seq.)]. Any remedies available to individuals under such laws, other than the right of appeal to the Civil Service Commission authorized by section 717 of the Civil Rights Act of 1964, and transferred to the Equal Employment Opportunity Commission by Reorganization Plan Number 1 of 1978, shall be available to such applicants or volunteers.

(2) Not later than 90 days after the date of the enactment of the Domestic Volunteer Service Act Amendments of 1979, the Director, after consultation with the Equal Employment Opportunity Commission with regard to the application of the policies set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) and with the Interagency Coordinating Council, established by section 507 of the Rehabilitation Act of 1973 (29 U.S.C. 797), and the Interagency Committee on Handicapped Employees, established by section 501(a) of the Rehabilitation Act of 1973 (29 U.S.C. 791(a)), with regard to the application of the policies set forth in title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.), and, not later than 90 days after the Secretary of Health, Education, and Welfare or the Secretary of Health and Human Resources, as the case may be, publishes final general regulations to carry out the Age Discrimination Act of 1975 (Public Law 94-135, title III; 42 U.S.C. 6101 et seq.), and after consultation with the Secretary with regard to the application of the policies set forth in such Act, shall prescribe regulations establishing the procedures for the application of such policies and the provision of such remedies so as to promote the enrollment and service of persons as volunteers without regard to the discriminatory factors described in such laws.

ELIGIBILITY FOR OTHER BENEFITS

SEC. 418. Notwithstanding any other provision of law, no payment for supportive services or reimbursement of out-of-pocket expenses made to persons serving pursuant to titles II and III of this Act shall be subject to any tax or charge or be treated as wages or compensation for the purposes of unemployment, temporary disability, retirement, public assistance, *workers' compensation,* or similar benefit payments, or minimum wage laws. This section shall become effective with respect to all payments made after the effective date of this Act.

LEGAL EXPENSES

Sec. 419. Notwithstanding any other provision of law and pursuant to regulations which the Director shall prescribe, counsel may be employed and counsel fees, court costs, bail, and other expenses incidental to the defense of volunteers may be paid in judicial or administrative proceedings to which full-time volunteers (or part-time volunteers when such proceeding arises directly out of the performance of activities pursuant to this Act or section 8(b)(1) of the Small Business Act, as amended (15 U.S.C. 637(b)(1))), serving under this Act have been made parties.

REQUIREMENTS FOR PRESCRIBING REGULATIONS

Sec. 420. (a) For purposes of this section—

(1) the term "regulation" means any rule, regulation, guideline, interpretation, order, or requirement of general applicability prescribed by the Director pursuant to this Act; and

(2) the term "Committees" means the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(b) Regulations prescribed by the Director or by any other officer of the ACTION Agency, in connection with, or affecting, the administration of any program carried out under this Act shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based.

(c)(1) **[**Except as provided in paragraph (2)(B) of this subsection, no proposed regulation prescribed pursuant to this Act for the administration of any program carried out under this Act may take effect until 30 calendar days after it is published in the Federal Register**]** *Notwithstanding any provision of subchapter II of chapter 5 of title 5, United States Code, relating to administrative procedure, any proposed regulation prescribed pursuant to this Act for the administration of any program under this Act may not take effect unless the public has been afforded 30 calendar days to comment on the proposed regulation prior to its publication in final form in the Federal Register.*

(2)**[**(A)**]** During the 30-day period before the date upon which such regulation is to be effective, the Director shall, in accordance with the provisions of section 553 of title 5, United States Code, offer any interested party an opportunity to make comment upon, and take exception to, such regulation and shall reconsider any such regulation upon which comment is made or to which exception is taken.

[(B) If the Director determines that the 30-day requirement in paragraph (1) of this subsection would cause undue delay in the implementation of a regulations thereby causing substantial hardship for the intended beneficiaries of any program carried out under this Act, the Director may waive the application of such requirement and shall immediately submit a notice of such determination and waiver, including a statement of the reasons therefor, to the Committees.]

(d) Concurrently with the publication in the Federal Register of any final regulation, a copy of such final regulation shall be transmitted to the Speaker of the House of Representatives and the President of the Senate. [Except as is provided in the following sentence, no] *No* such final regulation may take effect until 45 calendar days after such transmission. [If the Director determines that such 45-day requirement would cause undue delay in the implementation of the regulation, thereby causing substantial hardship for the intended beneficiaries of any program carried out under this Act, the Director may waive the application of such requirement and shall promptly submit a notice of such determination and waiver, including a statement of the reasons therefor, to the Committees.]

(e) Not later than 60 days after the date of the enactment of any Act affecting the administration of any program carried out under this Act, the Director shall submit to the Committees a schedule in accordance with which the Director has planned to prescribe final regulations implementing such Act or part of such Act. Such schedule shall provide that all such final regulations shall be prescribed not later than 180 days after the submission of such schedule. Except as is provided in the following sentence, all such final regulations shall be prescribed in accordance with such schedule. If the Director determines that, due to circumstances unforeseen at the time of the submission of any such schedule, the schedule submitted pursuant to this subsection cannot be met, the Director shall submit a notice of such determination, including a statement of the reasons therefor, to the Committees and shall submit a new schedule which shall then be considered, for the purposes of this subsection, as the schedule originally submitted in connection with the enactment of the Act involved.

DEFINITIONS

SEC. 421. For the purposes of this Act—

(1) the term "Director" means the Director of the ACTION agency;

(2) the terms "United States" and "States" mean the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, and American Samoa and, for the purposes of title II of this Act, the Trust Territory of the Pacific Islands;

(3) the term "nonprofit" as applied to any agency, institution, or organization means an agency, institution, or organization which is, or is owned and operated by, one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and

(4) the term "poor" or "low-income" persons, individuals, or volunteers means such individuals whose incomes fall at or

below the poverty line as set forth in section 625 of the Economic Opportunity Act of 1964, as amended by Public Law 92-424 (42 U.S.C. 2971d): *Provided,* That in determining who is "poor" or "low-income", the Director shall take into consideration existing poverty guidelines as appropriate to local situations.

AUDIT

SEC. 422. (a) Each recipient of Federal grants, subgrants, contracts, subcontracts, or loans entered into under this Act other than by formal advertising, and which are otherwise authorized by this Act, shall keep such records as the Director shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Director and the Comptroller General of the United States, or any of their duly authorized representatives, shall, until the expiration of three years after completion of the project or undertaking referred to in subsection (a) of this section, have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients which in the opinion of the Director or the Comptroller General may be related or pertinent to the grants, contracts, subcontracts, subgrants, or loans referred to in subsection (a).

REDUCTION OF PAPERWORK

SEC. 423. In order to reduce unnecessary, duplicative, or disruptive demands for information, the Director, in consultation with other appropriate agencies and organizations, shall continually review and evaluate all requests for information made under this Act and take such action as may be necessary to reduce the paperwork required under this Act. The Director shall request only such information as the Director deems essential to carry out the purposes and provisions of this Act.

REVIEW OF PROJECT RENEWALS

SEC. 424. If the executive authority of any State or local government submits to the Director, not later than 30 days before the expiration of any contract or grant to carry out any project under this Act, a statement which objects to the renewal of such contract or grant, then the Director shall (1) review such statement and take it into account in determining whether to renew such contract or grant; and (2) submit to such executive authority a written statement of reasons regarding the Director's determination with respect to such renewal and specifically with respect to any objective so submitted.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

[SEC. 501. (a) There are authorized to be appropriated $37,600,000 for the fiscal year ending June 30, 1974, and such sums as may be necessary each for the fiscal years ending June 30, 1975, June 30, 1976, September 30, 1977, September 30, 1978, September 30, 1979, September 30, 1980, and September 30, 1981, for the purpose of carrying out title I of this Act. In each such year, of the sums appropriated pursuant to this section for the purpose of carrying out title I of this Act, not less than $29,600,000 shall be expended on programs designed to eliminate poverty and poverty-related human, social, and environmental problems. Of this amount not less than $22,300,000 shall be expanded on programs authorized under part A of title I in each such fiscal year.

[(b) Any sums authorized to be appropriated for title I of this Act in excess of $37,600,000 shall be reflected in a commensurate increase in the sums to be made available for part A of such title.

[(c)(1) Of the funds appropriated for each of the fiscal years 1980 and 1981 for the purpose of carrying out title I of this Act (A) not less than $28,000,000 shall first be available for carrying out the VISTA program under part A of such title, and (B) of the funds appropriated for each such fiscal year for the purpose of carrying out such title which are in excess of $28,000,000 (i) not less than $2,300,000 for fiscal year 1980 and not less than $1,600,000 for fiscal year 1981 shall be available for carrying out the University Year for ACTION program under part B of such title, and (ii) not less than $500,000 for each such fiscal year shall be available for carrying out service-learning programs under section 114.

[(2) Of the funds appropriated for each of the fiscal years 1980 and 1981 for the purpose of carrying out part C of title I of this Act which are in excess of $2,500,000 but not in excess of $10,000,000, not less than 50 per centum for each such fiscal year shall be available for carrying out the fixed-income counseling and Helping Hand programs under section 122.]

SEC. 501. *(a) There is authorized to be appropriated to carry out part A of title I of this Act $15,000,000 for fiscal year 1984, $17,000,000 for fiscal year 1985, and $19,000,000 for fiscal year 1986.*

(b) There is authorized to be appropriated to carry out part B of title I of this Act $1,800,000 for the fiscal year 1984 and for each of the fiscal years 1985 and 1986.

(c) There is authorized to be appropriated to carry out the provisions of part C of title I of this Act $1,984,000 for the fiscal year 1984 and for each of the fiscal years 1985 and 1986.

NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS

[SEC. 502. (a) There are authorized to be appropriated $17,500,000 for the fiscal year ending June 30, 1974, $20,000,000 each for the fiscal year ending June 30, 1975, and for the fiscal year ending June 30, 1976, respectively, $6,000,000 for the period beginning July 1, 1976, and ending September 30, 1976, $22,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978, $25,000,000 for the fiscal year ending September 30, 1979, $30,000,000 for the fiscal year ending September 30, 1980, and $35,000,000 for the fiscal year ending September 30, 1981, to be used for the purpose of carrying out programs under part A of title II of this Act.

[(b)(1) There are authorized to be appropriated $32,500,000 for the fiscal year ending June 30, 1974, $40,000,000 each for the fiscal years ending June 30, 1975, and June 30, 1976, respectively, $10,750,000 for the period beginning July 1, 1976, and ending September 30, 1976, and $43,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978, for the purpose of carrying out programs under part B of such title of which (A) $26,500,000 for the fiscal year ending June 30, 1974, $32,000,000 each for the fiscal years ending June 30, 1975, and June 30, 1976, respectively, $8,750,000 for the period beginning July 1, 1976, and ending September 30, 1976, and $35,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978, shall be available for such years for grants or contracts under subsection (a) of section 211, and (B) $6,000,000 for the fiscal year ending June 30, 1974, $8,000,000 each for the fiscal years ending June 30, 1975, and June 30, 1976, respectively, $2,000,000 for the period beginning July 1, 1976, and ending September 30, 1976, and $8,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978, shall be available for such years for grants or contracts under subsection (b) of such section.

[(2) If the sums authorized to be appropriated under paragraph (1) of this subsection are not appropriated and made available in full for each such fiscal year, then such sums as are appropriated and made available for each such fiscal year shall be allocated so that—

> [(A) any amounts appropriated not in excess of a sum which when added to carryover balances otherwise available for obligation under subsection (a) of section 211 equal $25,000,000 shall be used for grants or contracts under such subsection; and
>
> [(B) any amounts appropriated in excess of a sum which when added to carryover balances otherwise available for obligation under subsection (a) of section 211 equals $31,000,000 for the fiscal year ending June 30, 1974, and $33,000,000 each for the fiscal years ending June 30, 1975, and June 30, 1976, respectively, shall be used for grants or contracts for such fiscal years under such subsection.

There are further authorized to be appropriated $55,000,000 for the fiscal year ending September 30, 1979, $62,500,000 for the fiscal year ending September 30, 1980, and $70,000,000 for the fiscal year ending September 30, 1981, for the purpose of carrying out programs under part B of such title.]

SEC. 502. *(a) There is authorized to be appropriated $27,445,000 for each of the fiscal years 1984, 1985, and 1986, for the purpose of carrying out programs under part A of title II of this Act.*

(b) There is authorized to be appropriated $48,400,000 for each of the fiscal years 1984, 1985, and 1986, for the purposes of carrying out programs under part B of title II of this Act.

(c) There is authorized to be appropriated $24,016,000 for each of the fiscal years 1984, 1985, and 1986, for the purposes of carrying

out part C of title II of this Act. Of the amount appropriated in each fiscal year $12,000,000 shall be available to carry out section 213(c).

ADMINISTRATION AND COORDINATION

SEC. 504. [There are authorized to be appropriated each for the fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, September 30, 1977, September 30, 1978, September 30, 1979, September 30, 1980, and September 30, 1981, respectively, such sums as may be necessary for the administration of this Act as authorized in title IV of such Act.] *There is authorized to be appropriated for the administration of this Act, as authorized in title IV of this Act, $29,348,000 for each of the fiscal years 1984, 1985, and 1986.*

AVAILABILITY OF APPROPRIATIONS

SEC. 505. Notwithstanding any other provision of law, unless enacted in express and specific limitation of the provisions of this section, funds appropriated for any fiscal year to carry out any program under this Act or any predecessor authority shall remain available, in accordance with the provisions of this Act, for obligation and expenditure until expended.

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